

chapter C-26

PROFESSIONAL CODE

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CHAPTER I

DEFINITIONS AND APPLICATION

1. In this Code and in the regulations made thereunder, unless the context indicates a different meaning, the following terms mean:

(a) “order” or “professional order” : any professional order listed in Schedule I to this Code or constituted in accordance with this Code;

(b) “board of directors” : any board of directors established within a professional order;

(c) “professional” or “member of an order” : any person who holds a permit issued by an order and who is entered on the roll of the latter;

(d) “Interprofessional Council” : the Québec Interprofessional Council established by this Code;

(e) “Office” : the Office des professions du Québec established by this Code;

(f) “permit” : a permit issued under this Code and the Charter of the French language (chapter C-11) which allows the exclusive practice of the profession mentioned therein and the use of a title reserved to the professionals practising such profession or only allows the use of a title reserved to the members of the order issuing the permit, subject to entry of the holder of such permit on the roll of that order;

(g) “special authorization” : a special authorization granted for a limited period under this Code to a person who does not hold a permit, to allow him the exclusive practice of the profession mentioned therein and the use of a title reserved to the professionals practising such profession or to allow him only the use of a title reserved to the members of the order granting this authorization;

(h) “roll” : the list of the members in good standing of an order, prepared under this Code;

(i) “Minister” : any Minister designated by the Government.

1973, c. 43, s. 1; 1974, c. 65, s. 1, s. 109; 1975, c. 81, s. 63; 1977, c. 5, s. 222; 1994, c. 40, s. 1; 2008, c. 11, s. 1.

2. Subject to the inconsistent provisions of a special Act, of the letters patent issued under section 27 or of an integration or amalgamation order made under section 27.2, this Code applies to all professional orders and to their members.

1973, c. 43, s. 2; 1994, c. 40, s. 2; 1998, c. 14, s. 1.

CHAPTER II

OFFICE DES PROFESSIONS DU QUÉBEC

DIVISION I

GENERAL PROVISIONS

2009, c. 50, s. 1.

3. There shall be a body called the “Office des professions du Québec”.

1973, c. 43, s. 3 (*part*); 1974, c. 65, s. 109.

3.1. The Office may appear before the courts as plaintiff or defendant.

Articles 80, 81 and 180 of the Code of Civil Procedure (chapter C-25.01) apply to the Office.

1978, c. 18, s. 21; 2002, c. 7, s. 165; I.N. 2016-01-01 (NCCP).

4. The Office shall consist of five members domiciled in Québec, including a chair and a vice-chair, appointed by the Government which shall fix their salaries.

Four of the members, including the chair and the vice-chair, must be professionals. Three among their number, including the chair or the vice-chair, shall be chosen from a list of at least five names furnished to the Government by the Interprofessional Council.

The fifth member shall be a non-professional. He shall be selected on the basis of his interest for the protection of the public that must be ensured by the professional orders.

The chair and the vice-chair shall be appointed for a fixed period not to exceed 10 years and the other members for a fixed period not to exceed three years.

Once fixed, their term of office and the amounts of their salaries cannot be reduced.

Upon the expiry of their term, they shall remain in office until reappointed or replaced.

1973, c. 43, s. 4; 1974, c. 65, s. 109; 1994, c. 40, s. 3; 2008, c. 11, s. 213.

5. The secretary, the Commissioner for complaints concerning mechanisms for the recognition of professional competence and the other functionaries and employees of the Office are appointed according to the Public Service Act (chapter F-3.1.1).

1973, c. 43, s. 5; 1974, c. 65, s. 109; 1978, c. 18, s. 22; 1978, c. 15, s. 140; 1983, c. 55, s. 161; 2000, c. 8, s. 242; 2009, c. 50, s. 2.

6. Three members including the chair or vice-chair shall constitute a quorum of the Office.

The head office of the Office shall be situated in the territory of Ville de Québec.

1973, c. 43, s. 6; 1974, c. 65, s. 109; 1977, c. 5, s. 14; 1994, c. 40, s. 4; 2000, c. 56, s. 220; 2008, c. 11, s. 213.

7. The chair and the vice-chair must devote their time exclusively to the work of the Office and to the duties of their office.

1973, c. 43, s. 7; 1974, c. 65, s. 109; 2008, c. 11, s. 213.

8. The chair shall preside over meetings of the Office and shall be responsible for the administration of its affairs within the scope of the rules governing the conduct of its affairs.

He shall exercise the rights, powers and privileges granted by law to the chief executive officer of an agency within the meaning of the Public Service Act (chapter F-3.1.1).

1973, c. 43, s. 8; 1974, c. 65, s. 2, s. 109; 1978, c. 15, s. 140; 1983, c. 55, s. 161; 1994, c. 40, s. 5; 2008, c. 11, s. 213.

9. If the chair is absent or unable to act, he shall be replaced by the vice-chair; when the vice-chair or another member is so unable to act he may be replaced by a person appointed to perform his duties; such person shall be appointed by the Government which shall fix his salary.

1973, c. 43, s. 9; 1994, c. 40, s. 6; 1999, c. 40, s. 58; 2008, c. 11, s. 213.

10. Any vacancy occurring during the term of office of a member of the Office shall be filled for the unexpired portion of such term by following the mode prescribed for the appointment of the member to be replaced.

1973, c. 43, s. 10; 1974, c. 65, s. 109.

11. The members of the Office and the persons employed by it must take the oath contained in Schedule II.

1973, c. 43, s. 11; 1974, c. 65, s. 109; 1999, c. 40, s. 58.

12. The function of the Office shall be to see that each order ensures the protection of the public. For that purpose, the Office may, in particular, in collaboration with each order, monitor the operation of the various mechanisms established within the order pursuant to this Code and, where applicable, the Act constituting the professional order.

It shall, where it considers it expedient, suggest the establishment of new orders, the amalgamation or dissolution of existing orders, the integration of a group of persons into one of the orders referred to in Division III of Chapter IV and amendments to this Code and the Acts, letters patent, the integration or amalgamation orders, regulations and by-laws governing them; it shall endeavour to bring the orders to work together to find solutions to the common problems they encounter, by reason, in particular, of the relatedness of the activities exercised by their members; it shall suggest ways to ensure the best possible training for professionals.

The Office must, in particular,

(1) ensure that the board of directors of each order adopts every regulation or by-law which it is required to adopt under this Code or, as the case may be, under the Act constituting the professional order;

(2) recommend that the Government adopt, by regulation, any regulation or by-law which the board of directors is required to adopt under this Code or, as the case may be, under the Act constituting the professional order, if the board of directors fails to do so within the time fixed by the Office;

(3) suggest to the board of directors of an order, at any time, the amendments the Office considers necessary to any regulation or by-law adopted by the board of directors which is a regulation or by-law the board of directors is required to adopt under this Code or, as the case may be, under the Act constituting the professional order, even before its publication in draft form in the *Gazette officielle du Québec* where so required, and even after its coming into force;

(4) recommend that the Government adopt, at any time, by regulation, the amendments the Office considers necessary to any regulation or by-law adopted by the board of directors which is a regulation or by-law the board of directors is required to adopt under this Code, or, as the case may be, under the Act constituting the professional order, whether or not the regulation or by-law has been published in draft form in the *Gazette officielle du Québec* where so required, and whether or not it is in force, if the board of directors fails to adopt such amendments within the time fixed by the Office;

(5) inform the order concerned of the comments regarding the regulations or by-laws it has examined;

(6) determine, by regulation and after consultation with the Interprofessional Council:

(a) the information other than the information provided for in section 46.1 that must be included in the roll of an order, as well as the standards governing the preparation, updating and publication of the roll;

(b) the standards governing the preparation and content of the annual report of an order;

(c) the rules governing the holding and keeping of documents held by a professional order for the purpose of supervising the practice of the profession;

(7) advise the Government on any diploma giving access to a permit or specialist's certificate issued by an order, after consultation, in particular, with

(a) the educational institutions and the order concerned;

(b) the Conférence des recteurs et des principaux des universités du Québec in the case of a university-level diploma;

(c) the Fédération des cégeps in the case of a college-level diploma;

(d) the Minister of Education, Recreation and Sports or the Minister of Higher Education, Research, Science and Technology;

(7.1) take measures, in cooperation with the Ministère de l'Éducation, du Loisir et du Sport or the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie, to encourage educational institutions and professional orders to collaborate so that if a professional order requires a person to acquire training under a regulation made under paragraph *c*, *c.1* or *c.2* of section 93, paragraph *i* of section 94 as regards standards of equivalence, or paragraph *q* or *r* of that section, the training is offered by an educational institution;

(7.2) report each year to the Government on the measures taken under subparagraph 7.1, making any recommendations it considers appropriate;

(8) inform the public of the rights and recourses provided for in this Code, the Acts constituting the professional orders and the regulations and by-laws under this Code and the said Acts;

(9) draw up and propose to the public and to the professional orders documents to further the exercise of the rights and recourses provided for in this Code, the Acts constituting the professional orders and the regulations and by-laws under this Code and the said Acts, including, in particular, a model form for requests for the holding of an inquiry by a syndic or for the lodging of a complaint with the disciplinary council against a professional;

(10) report to the Government on any order which shows a deficit or has insufficient income to fulfill its duties and on any order which does not fulfill the duties imposed on it by this Code or, as the case may be, by the Act constituting it as a professional order;

(11) report to the Government, on or before 21 June 2002 and every five years thereafter, on the carrying out of the provisions of this Code pertaining to the security against liability that must be furnished by the members of an order;

(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.

The standards set out in a regulation of the Office referred to in subparagraphs *a* and *c* of subparagraph 6 of the third paragraph may vary with the professional order or the category of information or document.

1973, c. 43, s. 12; 1974, c. 65, s. 3, s. 109; 1975, c. 80, s. 1; 1983, c. 54, s. 15; 1988, c. 29, s. 1; 1986, c. 95, s. 69; 1990, c. 76, s. 1; 1994, c. 40, s. 7; 1998, c. 14, s. 2; 2001, c. 34, s. 1; 2005, c. 28, s. 195; 2006, c. 22, s. 148; 2008, c. 11, s. 1, s. 2; 2009, c. 50, s. 3; 2013, c. 28, s. 203.

12.1. The Office may, by regulation, adopt rules governing the conduct of its affairs.

1994, c. 40, s. 8; 2006, c. 22, s. 149.

12.2. The Office may, in a regulation that it is authorized to make under this Code or under an Act constituting the professional order, make compulsory a standard established by a government or body. It may provide that reference to such a standard includes any subsequent amendment made to it.

1994, c. 40, s. 8.

12.3. The Office may

(1) after consultation with the Interprofessional Council and various socioeconomic groupings, draw up a list of persons for the purposes of the fourth paragraph of section 123.3;

(2) fix, by regulation, the amount of the fees that a person who requests an opinion from the review committee pursuant to section 123.4 may be charged by an order.

1994, c. 40, s. 8.

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

1973, c. 43, s. 13; 1974, c. 65, s. 109; 1988, c. 29, s. 2; 1994, c. 40, s. 9.

14. The Office, after obtaining the authorization of the Minister or at the Minister's request, may inquire into the affairs of any order which shows a deficit or has insufficient income to fulfill its duties and of any order which does not fulfill the duties imposed on it by this Code or, as the case may be, by the Act constituting it as a professional order.

In its request to the Minister for authorization to conduct an inquiry, the Office shall specify the reasons therefor. It shall also inform the order that it has made such a request, indicating the reasons therefor.

The Office may designate a person to carry out the inquiry on its behalf.

1973, c. 43, s. 14; 1974, c. 65, s. 109; 1994, c. 40, s. 10.

14.1. The person carrying out the inquiry is required to take the oath contained in Schedule II, and is vested with the powers and immunity conferred on commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to impose a term of imprisonment.

1994, c. 40, s. 10; 1999, c. 40, s. 58.

14.2. The person carrying out the inquiry may enter the head office of the order at any reasonable time and must, on request, produce a certificate attesting his capacity.

He may examine and copy any document or record, require any document or record and demand any information or report needed by him for the purposes of the inquiry.

1994, c. 40, s. 10.

14.3. No person may, in any way whatsoever, hinder the person carrying out the inquiry, mislead him by concealment or false declarations, refuse to allow him to examine or copy any document or record which he is entitled to obtain or copy for the purposes of the inquiry, refuse to provide him with such a document or record or refuse to provide him with any information or report required for such purposes.

No person may refuse to allow him to examine or copy a document or record, or refuse to provide him with any information, document or record on the ground that it was obtained by the order in the exercise of the duties or powers conferred on it by this Code or, as the case may be, by the Act constituting it as a professional order, or on the ground that it is protected by professional secrecy.

1994, c. 40, s. 10.

14.4. The person carrying out an inquiry shall make a written report to the Office, which shall forward a copy to the Minister.

The Office shall also forward a copy of the report to the order concerned, which may make the necessary representations within the time fixed by the Office.

1994, c. 40, s. 10.

14.5. The Government may place under the administration of one or more persons designated by it any order showing a deficit or having insufficient income to fulfill its duties or any order which does not fulfill the duties imposed on it by this Code, or, as the case may be, by the Act constituting it as a professional order, and may fix the terms and conditions of such administration.

1994, c. 40, s. 10.

15. The Office may require any professional order to furnish, within the time and in the manner it specifies, any document, report or information needed to carry out its functions.

1973, c. 43, s. 15; 1974, c. 65, s. 109; 1994, c. 40, s. 11; 2008, c. 11, s. 3.

16. The fiscal year of the Office ends on 31 March.

1973, c. 43, s. 16; 1974, c. 65, s. 109; 1995, c. 50, s. 1.

16.1. The Office shall file with the Minister, on or before 30 June each year, its financial statements and a report upon its activities for the preceding fiscal year, which must include the contents of the annual activity reports mentioned in sections 16.19 and 115.8.

The financial statements and the activities report shall contain any information required by the Minister.

The Minister shall table the financial statements and the report before the National Assembly within 30 days of receiving them if it is in session or, if it is not sitting, within 30 days of resumption.

1995, c. 50, s. 1; 2009, c. 50, s. 4; 2013, c. 12, s. 1; I.N. 2015-08-01.

16.2. The Office shall send to the Minister, at his request, statistical data, reports or other information on its activities within the time and in the form prescribed by the Minister.

1995, c. 50, s. 1.

16.3. The Office shall send its budget estimates to the Minister on the date he determines.

The budget estimates shall be submitted to the Government for approval.

1995, c. 50, s. 1.

16.4. The books and accounts of the Office shall be audited each year by the Auditor General and whenever the Government so orders.

The auditor's report shall be sent with the activities report and the financial statements of the Office.

1995, c. 50, s. 1.

16.5. The Government may, on the terms and conditions it determines,

- (1) authorize the Office to contract loans by notes, bonds or otherwise;
- (2) secure payment in capital and interest of any loan contracted by the Office and any of its obligations;

(3) authorize the Minister of Finance to advance to the Office any amount considered necessary for the performance of its obligations or the exercise of its functions and powers.

The sums required for the carrying out of subparagraphs 2 and 3 of the first paragraph shall be taken out of the Consolidated Revenue Fund.

1995, c. 50, s. 1.

16.6. The sums received by the Office shall be applied to the payment of its activities and obligations.

1995, c. 50, s. 1.

16.7. The Office may not make payments or assume obligations, except those provided for in section 16.5, for an amount that exceeds, in the same fiscal year, the sums at its disposal for the year in which the payments are made or the obligations assumed.

This section shall not operate to prevent the Office from making commitments for more than one fiscal year.

1995, c. 50, s. 1.

16.8. The Office may invest, on a short-term basis, the funds placed at its disposal under this Act,

(1) in securities issued or guaranteed by the Government of Canada, Québec or any other Canadian province;

(2) by deposits in a bank or financial institution registered with the Autorité des marchés financiers pursuant to the Deposit Insurance Act (chapter A-26) or in certificates, notes or other short-term securities or papers issued or guaranteed by a bank or such an institution.

1995, c. 50, s. 1; 2002, c. 45, s. 268; 2004, c. 37, s. 90.

DIVISION II

COMMISSIONER FOR COMPLAINTS CONCERNING MECHANISMS FOR THE RECOGNITION OF PROFESSIONAL COMPETENCE

2009, c. 50, s. 5.

16.9. The office of Commissioner for complaints concerning mechanisms for the recognition of professional competence is created within the Office.

2009, c. 50, s. 5.

16.10. The functions of the Commissioner are

(1) to receive and examine complaints against professional orders concerning the operation of the mechanisms for the recognition of professional competence;

(2) to monitor the operation of the mechanisms referred to in subparagraph 1; and

(3) to monitor the measures provided for in subparagraph 7.1 of the third paragraph of section 12 and, if necessary, to make the recommendations to the Office and the Ministère de l'Éducation, du Loisir et du Sport or the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie that the Commissioner judges appropriate, in particular concerning the time it takes before the training referred to in that subparagraph is offered.

In this Code, “mechanisms for the recognition of professional competence” means the mechanisms established within the professional orders under section 41, paragraphs 2, 2.1 and 3 of section 42, sections 42.1, 42.2 and 42.4, paragraphs *c*, *c.1* and *c.2* of section 93, paragraph *i* of section 94 as regards standards of equivalence, paragraphs *q* and *r* of that section and any sections of the Acts constituting the professional orders that concern the issue of restrictive or temporary permits.

2009, c. 50, s. 5; 2013, c. 28, s. 203.

16.11. The Commissioner may conduct an inquiry in the exercise of the functions of office. In such cases, the Commissioner is vested with the powers and immunity conferred on commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to impose a term of imprisonment.

Section 14.3 applies, with the necessary modifications, to inquiries conducted by the Commissioner.

2009, c. 50, s. 5.

16.12. The Commissioner shall establish a procedure for examining complaints.

2009, c. 50, s. 5.

16.13. The Commissioner may, upon summary examination, dismiss a complaint if, in the Commissioner’s opinion, it is excessive, frivolous or clearly unfounded.

The Commissioner may refuse or cease to examine a complaint

(1) if the Commissioner has reasonable grounds to believe the Commissioner’s intervention would serve no purpose;

(2) if the plaintiff refuses or neglects to provide information or documents requested; or

(3) if the length of time having elapsed between the events that gave rise to the dissatisfaction of the plaintiff and the filing of the complaint makes it impossible to examine the complaint.

In such cases, the Commissioner must so inform the plaintiff and include the reasons for the decision, within a maximum of 30 days.

2009, c. 50, s. 5.

16.14. If the Commissioner has not completed the examination of a complaint within 90 days after receiving it, the Commissioner must, at the end of that period, inform the plaintiff, in writing, that the examination has not been completed and report to the plaintiff on the progress of the examination. Until the examination has been completed, the Commissioner must, every 30 days after the expiry of the 90-day period, inform the plaintiff, in writing, that the examination has not been completed and report to the plaintiff on the progress of the examination.

2009, c. 50, s. 5.

16.15. After examining a complaint, the Commissioner shall inform the plaintiff and, if necessary, the professional order concerned of the findings and send them any recommendations made, including any recommendation to review the application of the mechanisms for the recognition of professional competence.

Within 60 days after receiving a recommendation, the professional order shall inform the Commissioner in writing of the actions it intends to take as a result of the recommendation or, if it has decided not to act upon the recommendation, of the reasons for that decision.

2009, c. 50, s. 5.

16.16. Answers given or statements made by a person during the examination of a complaint or the monitoring of the operation of the mechanisms for the recognition of professional competence, including any information or document supplied in good faith in response to a request by the Commissioner, may not be used or admitted as evidence against the person in a judicial proceeding or a proceeding before a person or body exercising adjudicative functions.

2009, c. 50, s. 5.

16.17. Nothing contained in a plaintiff's complaint record or in a record relating to the monitoring of the operation of the mechanisms for the recognition of professional competence, including the conclusions and any related recommendations, may be construed as a declaration, recognition or extrajudicial admission of professional, administrative or other misconduct capable of establishing the civil liability of a party in a judicial proceeding.

2009, c. 50, s. 5.

16.18. The Commissioner may require any professional order to furnish, within the time and in the manner the Commissioner specifies, any document, report or information the Commissioner needs to carry out the functions of office.

2009, c. 50, s. 5.

16.19. The Commissioner shall file an activity report with the Office annually and, at the Office's request, at any other time.

The annual activity report must include the number, nature and outcome of the complaints examined by the Commissioner, the actions taken by the Commissioner to monitor the operation of the mechanisms for the recognition of professional competence, the Commissioner's conclusions, any recommendations made, and the steps taken further to such recommendations.

2009, c. 50, s. 5.

16.20. The Office shall take steps to preserve at all times the independence of the Commissioner in the exercise of the functions of office.

2009, c. 50, s. 5.

16.21. Nothing in this division may be construed as conferring on the Commissioner jurisdiction over the decisions made by a professional order.

2009, c. 50, s. 5.

CHAPTER III

INTERPROFESSIONAL COUNCIL

17. A "Québec Interprofessional Council", called "Conseil interprofessionnel du Québec" in French, is established.

1973, c. 43, s. 17.

18. The Interprofessional Council is a legal person.

1973, c. 43, s. 18; 1999, c. 40, s. 58.

19. The Interprofessional Council shall advise the Minister on any matter he refers to it. It shall bring to the Minister's attention any matter which, in its opinion, requires government action.

In addition to the functions conferred on it by law, the Council may, in particular, after consulting its members,

(1) examine the problems of a general nature encountered by professional orders and communicate its findings to the orders concerned together with the recommendations it considers appropriate;

(2) propose to the Minister objectives to be pursued, both in the short and the long term, to ensure the protection of the public by the orders, and review such objectives periodically;

(3) suggest to the Minister and to the Office the measures it considers appropriate to enable the Office to perform its supervisory role;

(4) at the request of the Minister or of one or more orders, provide the public with information concerning the professional system, professionals and the duties and powers of the orders;

(5) make suggestions concerning amendments to be made to this Code and other Acts and in particular to the Acts constituting the professional orders, or to the regulations or by-laws made under this Code and such Acts;

(6) invite groups recognized or not as professional orders, whose members are engaged in related activities, to meet to find solutions to their problems;

(7) hear any group wishing to be recognized as a professional order and submit to the Government and to the Office the recommendations it considers appropriate in respect of the recognition of such group;

(8) carry out studies and give its advice on any matter relating to the protection of the public that must be ensured by the orders.

In the exercise of its functions, the Council may form special committees to study particular matters and direct them to compile the relevant information and to report to the Council on their observations and recommendations.

The Council may charge fees for the carrying out of studies or research or for the provision of services.

1973, c. 43, s. 19; 1974, c. 65, s. 109; 1994, c. 40, s. 12.

19.1. The Minister may, in particular, submit to the Interprofessional Council, for advice,

(1) any draft amendments to this Code, before they are introduced in the National Assembly, and any draft regulation or by-law under this Code, made by the Government or subject to government approval, and affecting all orders;

(2) any proposal to constitute a new order;

(3) any other matter of general interest to the professional orders;

(4) the amount of the contribution provided for in section 196.2 and determined under Chapter VIII.1.

The Council shall give its advice within the time fixed by the Minister.

1994, c. 40, s. 12; 1995, c. 50, s. 2; 2008, c. 11, s. 4.

20. The Interprofessional Council shall consist of the professional orders; each order shall be represented thereon by its president or by another member designated by the board of directors.

The chair of the Council shall be elected by a majority vote of the members of the Council present at the first meeting after the beginning of its fiscal year. Upon his election, the chair of the Council ceases to be the representative of the order of which he is a member, and the order shall designate a substitute for him.

If the office of chair of the Council becomes vacant, the chair shall be replaced for the unexpired portion of his term by another member of the Council elected in the same manner.

The chair of the Council shall direct the activities of the Council and coordinate its work; he shall act as liaison between the Council and the Minister, and between the Council and the Office.

1973, c. 43, s. 20; 1974, c. 65, s. 4; 1977, c. 66, s. 1; 1994, c. 40, s. 13; 2008, c. 11, s. 1, s. 213.

20.1. The Interprofessional Council may, by by-law, adopt rules governing the conduct of its affairs.

Such rules shall come into force on the fifteenth day following the date of their adoption.

1994, c. 40, s. 14.

21. Each order must make each year to the Interprofessional Council the contribution required by the Council for the proper administration of its affairs.

1973, c. 43, s. 21; 1994, c. 40, s. 15.

22. Not later than 30 June each year, the Interprofessional Council shall make a report of its activities to the Minister.

Such report shall be laid before the National Assembly if it is in session or, if it is not, within thirty days of the opening of the next session.

1973, c. 43, s. 22.

CHAPTER IV

PROFESSIONAL ORDERS

1994, c. 40, s. 16.

DIVISION I

CONSTITUTION OF PROFESSIONAL ORDERS

1994, c. 40, s. 17.

23. The principal function of each order shall be to ensure the protection of the public.

For this purpose it must in particular supervise the practice of the profession by its members.

1973, c. 43, s. 23; 1994, c. 40, s. 18.

24. The professional orders mentioned in paragraphs 22 to 38 of Schedule I to this Code are constituted as of 1 February 1974.

Every other professional order shall be constituted by an Act or by letters patent issued under this Code.

1973, c. 43, s. 24; 1994, c. 40, s. 19.

25. To determine if a professional order should or should not be constituted or if a group of persons should or should not be integrated into one of the orders referred to in Division III of Chapter IV, account shall be taken particularly of the following factors:

(1) the knowledge required to engage in the activities of the persons who would be governed by the order which it is proposed to constitute;

(2) the degree of independence enjoyed by the persons who would be members of the order in engaging in the activities concerned, and the difficulty which persons not having the same training and qualifications would have in assessing those activities;

(3) the personal nature of the relationships between such persons and those having recourse to their services, by reason of the special trust which the latter must place in them, particularly because such persons provide them with care or administer their property;

(4) the gravity of the prejudice which might be sustained by those who have recourse to the services of such persons because their competence or integrity was not supervised by the order;

(5) the confidential nature of the information which such persons are called upon to have in practising their profession.

1973, c. 43, s. 25; 1994, c. 40, s. 20; 1998, c. 14, s. 3; 1999, c. 40, s. 58.

26. The members of an order shall not be granted the exclusive right to practise a profession except by an Act; that right must not be granted except in cases where the acts done by these persons are of such a nature and the freedom to act they have by reason of the nature of their ordinary working conditions are such that for the protection of the public they cannot be done by persons not having the training and qualifications required to be members of the order.

1973, c. 43, s. 26; 1994, c. 40, s. 21.

27. The Government, after consultation with the Office and the Interprofessional Council, may constitute by letters patent any professional order which groups the persons to whom it deems it necessary, for the protection of the public, to grant a reserved title.

However, no letters patent under this section may be issued less than 60 days after the publication by the Minister of the draft letters patent in the *Gazette officielle du Québec*, with a notice that the draft will be considered by the Government upon the expiry of 60 days following such publication.

The letters patent constituting a new order shall set out the titles, abbreviations and initials reserved for its members, a description of the professional activities they may engage in in addition to those otherwise permitted by law and a description of any reserved activities they may engage in, the various categories of permits on the basis of the professional activities that the members may engage in or the titles they may use, and the conditions and restrictions to which members must submit when engaging in such activities or using such titles. Furthermore, they may provide for such transitional measures as are considered necessary to facilitate the commencement of the order's activities. These measures may, among other matters, pertain to the regulations applicable to members and the replacement of such regulations, the conditions of admission of persons as initial members of the new order, the composition and operation of the board of directors, the duration of the initial term of office of the directors, the manner in which the president and the directors are to be elected and the designation of the order.

The letters patent constituting a new order shall be published in the *Gazette officielle du Québec* after they are issued, and the order shall be constituted as of such publication.

The Québec Official Publisher must include in the annual statutes a table indicating the dates of publication of the letters patent mentioned in the fourth paragraph.

The letters patent constituting a new order shall cease to have effect on the day of the coming into force of the provisions amending this Code for the purpose of introducing into it the titles, abbreviations and initials reserved for the order's members, a description of the professional activities they may engage in and any other relevant provision. Any transitional measures contained in the letters patent that continue to be useful, however, shall remain in force.

1973, c. 43, s. 27; 1974, c. 65, s. 109; 1994, c. 40, s. 22; 1998, c. 14, s. 4; 2008, c. 11, s. 1; 2009, c. 28, s. 1.

27.1. At any time before the day on which they cease to have effect, the Government may amend the letters patent constituting a new order by issuing supplementary letters patent.

Section 27 applies, with the necessary modifications, to the supplementary letters patent.

1994, c. 40, s. 23.

27.2. The Government may, by order, after consultation with the Office, the interprofessional council and the orders concerned, amalgamate two or more orders referred to in Division III of Chapter IV to ensure increased protection of the public.

The Government may, by order, integrate into an order referred to in Division III of Chapter IV a group of persons to whom it considers necessary, for the protection of the public, to grant a reserved title. However, such integration may only be effected after consultation with the Office, the interprofessional council and the order concerned as well as with the organizations, if any, which represent the group of persons concerned.

However, no order may be made under this section less than 60 days after the publication by the Minister of the proposal for amalgamation or integration in the *Gazette officielle du Québec*, with a notice that the proposal will be considered by the Government upon the expiry of 60 days following such publication.

The amalgamation or integration order shall set out the titles, abbreviations and initials reserved for the members of the order concerned, a description of the professional activities they may engage in in addition to those otherwise permitted by law and a description of any reserved activities they may engage in, the categories of permits on the basis of the professional activities that the members may engage in or the titles they may use, and the conditions and restrictions to which the members must submit when engaging in such activities or using such titles.

The amalgamation or integration order may provide for such transitional measures as are considered necessary to facilitate the amalgamation or integration. These measures may, among other matters, pertain to the regulations applicable to the members of the order concerned and the replacement of such regulations, the conditions of admission of those persons, the composition and operation of the board of directors, the duration of the initial term of office of the directors, the manner in which the president and the directors are to be elected and the designation of the order.

The amalgamation or integration order shall be published in the *Gazette officielle du Québec* and shall come into force 15 days after such publication or on any later date indicated in the order.

The Québec Official Publisher shall insert in the annual volume of statutes a table indicating the date of publication of an order mentioned in the sixth paragraph.

The amalgamation or integration order shall cease to have effect on the day of the coming into force of the provisions amending this Code for the purpose of introducing the titles, abbreviations and initials reserved for the members of the order concerned, a description of the professional activities they may engage in and any other relevant provision. Any transitional measures contained in the order that continue to be useful shall, however, remain in force.

1998, c. 14, s. 5; 2008, c. 11, s. 1; 2009, c. 28, s. 2.

27.3. The Government may, by order, amend the amalgamation or integration order at any time before the day on which it ceases to have effect.

Section 27.2, adapted as required, applies to the order.

1998, c. 14, s. 5.

28. Each order shall consist of the professionals who are members of it, and shall be a legal person.

1973, c. 43, s. 28; 1994, c. 40, s. 24; 1999, c. 40, s. 58.

29. A professional order may hypothecate its movable or immovable property to secure payment of the obligations or securities it issues.

It must dispose within a reasonable time of immovables which have not been used for a period of seven consecutive years in the pursuit of its objects.

1973, c. 43, s. 29; 1992, c. 57, s. 481; 1994, c. 40, s. 25.

30. Only the orders to which this Code applies may use the expression “professional order”, any other expression that includes both words or an expression leading to the belief that reference is being made to an order governed by this Code.

1973, c. 43, s. 30; 1994, c. 40, s. 26.

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.

2008, c. 11, s. 5.

DIVISION II

EXCLUSIVE PROFESSIONS

31. In this division, the words “order” and “professional order” mean a professional order mentioned in paragraphs 1 to 21.5 of Schedule I.

1973, c. 43, s. 31; 1994, c. 40, s. 27; 1994, c. 37, s. 16; 1995, c. 41, s. 20; 1999, c. 24, s. 16; 2001, c. 12, s. 12; 2012, c. 11, s. 18.

32. No person shall claim in any manner to be an advocate, notary, physician, dentist, pharmacist, optometrist, veterinary surgeon, agrologist, architect, engineer, land-surveyor, forest engineer, chemist, medical imaging technologist, radiation oncology technologist or medical electrophysiology technologist, denturologist, dispensing optician, chiropractor, hearing-aid acoustician, podiatrist, nurse, acupuncturist, bailiff, midwife, geologist or chartered professional accountant, or use one of the above titles or any other title or abbreviation which may lead to the belief that he is one, or initials which may lead to the belief that he is one, or engage in a professional activity reserved to the members of a professional order, claim to have the right to do so or act in such a way as to lead to the belief that he is authorized to do so, unless he holds a valid, appropriate permit and is entered on the roll of the order empowered to issue the permit, unless it is allowed by law.

The prohibition relating to the use of any titles, abbreviations or initials mentioned in the first paragraph or in an Act constituting a professional order extends to the use of such titles, abbreviations and initials in a feminine form.

1973, c. 43, s. 32; 1993, c. 38, s. 1; 1994, c. 40, s. 28; 1994, c. 37, s. 17; 1995, c. 41, s. 21; 1999, c. 24, s. 17; 2000, c. 13, s. 1; 2001, c. 12, s. 13; 2009, c. 35, s. 1; 2012, c. 11, s. 19; 2012, c. 10, s. 8.

33. *(Repealed).*

1973, c. 43, s. 33; 1988, c. 29, s. 3; 1994, c. 40, s. 29; 2008, c. 11, s. 6.

34. Section 32 shall not prevent persons or categories of persons from engaging in professional acts that may be engaged in by the members of a professional order, provided they do so in accordance with the provisions of a regulation under paragraph *h* of section 94.

1973, c. 43, s. 34; 1994, c. 40, s. 30.

DIVISION III

PROFESSIONS WITH RESERVED TITLES

35. In this division, the words “order” and “professional order” mean a professional order mentioned in paragraphs 22 to 38 of Schedule I or a professional order constituted under section 27. Such professional orders may use the designation “professional order” or “order”.

1973, c. 43, s. 35; 1994, c. 40, s. 31.

36. No person shall in any way whatsoever:

(a) *(subparagraph repealed);*

(b) *(subparagraph repealed);*

(c) use the title “Dietician”, “Dietitian” or “Nutritionist” or any other title or abbreviation which may lead to the belief that he is a dietician, a dietitian or a nutritionist, or use initials which may lead to the belief that he is a dietician, a dietitian or a nutritionist, or the initials “P.Dt.”, “Dt.P.” or “R.D.”, unless he holds a valid permit for that purpose and is entered on the roll of the Ordre professionnel des diététistes du Québec;

(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 et des thérapeutes conjugaux et familiaux du Québec;

(e) use the title “Psychologist” or any other title or abbreviation which may lead to the belief that he is a psychologist, or use initials which may lead to the belief that he is a psychologist, unless he holds a valid permit for that purpose and is entered on the roll of the Ordre professionnel des psychologues du Québec;

(f) use the title “Certified Human Resources Professional” or “Certified Industrial Relations Counsellor” or any title or abbreviation which may lead to the belief that he is a certified human resources professional or a certified industrial relations counsellor, or use the initials “C.R.I.”, “I.R.C.”, “C.R.I.A.”, “C.I.R.C.”, “C.R.H.A.” or “C.H.R.P.” unless he holds a valid permit for that purpose and is entered on the roll of the Ordre professionnel des conseillers en ressources humaines et en relations industrielles agréés du Québec;

(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; *(see notes 1 and 2 below)*

(h) use the title “Urbanist” , “Town Planner” or “City Planner” or any other title or abbreviation which may lead to the belief that he is an urbanist or a town or city planner, or the abbreviation “urb.” , or initials which may lead to the belief that he is an urbanist or a town or city planner, unless he holds a valid permit for that purpose and is entered on the roll of the Ordre professionnel des urbanistes du Québec;

(i) use the title “Chartered Administrator” or “Certified Management Advisor” or any other title or abbreviation which may lead to the belief that he is a chartered administrator or a certified management advisor, or initials which may lead to the belief that he is a chartered administrator or a certified management advisor, or the initials “C.Adm.” , “Adm.A.” or “C.M.C.” , unless he holds a valid permit for that purpose and is entered on the roll of the Ordre professionnel des administrateurs agréés du Québec;

(j) use the title “Chartered Appraiser” or “Chartered Assessor” or any other title or abbreviation which may lead to the belief that he is a chartered appraiser or chartered assessor, or use letters which may lead to the belief that he is a chartered appraiser or chartered assessor, or the letters “C.App.” or “E.A.” , unless he holds a valid permit for such purpose and is entered on the roll of the Ordre professionnel des évaluateurs agréés du Québec;

(k) use the title “Dental Hygienist” or any other title or abbreviation which may lead to the belief that he is a dental hygienist, or initials which may lead to the belief that he is a dental hygienist, or the initials “D.H.” , “H.D.” or “R.D.H.” , unless he holds a valid permit for that purpose and is entered on the roll of the Ordre professionnel des hygiénistes dentaires du Québec;

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

(m) use the title “Speech Therapist” , “Speech-Language Pathologist” or “Audiologist” or any other title or abbreviation which may lead to the belief that he is a speech therapist, speech-language pathologist or an audiologist, or initials which may lead to the belief that he is a speech therapist or audiologist, unless he holds a valid permit for that purpose and is entered on the roll of the Ordre professionnel des orthophonistes et audiologistes du Québec;

(n) use the title “Physiotherapist” , “Physical Therapist” , “Physical Rehabilitation Therapist” , “Physiotherapy Therapist” , “Physical Rehabilitation Technician” or “Physiotherapy Technician” , the abbreviation “pht” or the initials “P.T.” or “P.R.T.” , or any other title, abbreviation or initials which may lead to the belief that he is one, unless he holds a valid permit for that purpose and is entered on the roll of the Ordre professionnel de la physiothérapie du Québec;

(o) use the title “Occupational Therapist” or any other title or abbreviation which may lead to the belief that he is an occupational therapist, or the abbreviation “erg.” , or initials which may lead to the belief that he is an occupational therapist or the initials “O.T.” or “O.T.R.” , unless he holds a valid permit for that purpose and is entered on the roll of the Ordre professionnel des ergothérapeutes du Québec;

(p) use the title “Nursing Assistant” or “Licensed Practical Nurse” or any other title or abbreviation which may lead to the belief that he is a nursing assistant, or the abbreviation “inf.aux.” or “n.ass’t” , or initials which may lead to the belief that he is a nursing assistant, or the initials “I.A.” , “I.A.D.” , “I.A.L.” , “L.P.N.” , “N.A.” or “R.N.A.” , unless he holds a valid permit for that purpose and is entered on the roll of the Ordre professionnel des infirmières et infirmiers auxiliaires du Québec;

(q) use the title “Medical Technologist” or “Registered Technologist” or any other title or abbreviation which may lead to the belief that he is a medical technologist or registered technologist, or the abbreviation “tech.med.” , or initials which may lead to the belief that he is a medical technologist or registered technologist, or the initials “M.T.” or “R.T.” , unless he holds a valid permit for that purpose and is entered on the roll of the Ordre professionnel des technologistes médicaux du Québec;

(r) use the title “Applied Sciences Technologist” , “Professional Technologist” or “Professional Technician” or any other title or abbreviation which may lead to the belief that he is an applied sciences technologist, professional technologist or professional technician, or use initials which may lead to the belief that he is an applied sciences technologist, a professional technologist or a professional technician or 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 Ordre professionnel des technologues professionnels du Québec;

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

(t) use the title “Certified Translator” , “Certified Terminologist” or “Certified Interpreter” , or any title or abbreviation which may lead to the belief that he is a certified translator, certified terminologist or certified interpreter, or use initials which may lead to the belief that he is a certified translator, certified terminologist or certified interpreter or use the abbreviations “C.Tr.” , “C.Term.” or “C.Int.” or “trad.a.” , “term.a.” or “int.a.” , unless he holds a valid permit for that purpose and is entered on the roll of the Ordre professionnel des traducteurs, terminologues et interprètes agréés du Québec.

The prohibition relating to the use of any titles, abbreviations or initials mentioned in the first paragraph extends to the use of such titles, abbreviations and initials in a feminine form.

1973, c. 43, s. 36; 1977, c. 5, s. 229; 1987, c. 17, s. 1; 1988, c. 29, s. 4; 1993, c. 38, s. 2; 1994, c. 40, s. 32; 2000, c. 13, s. 2; 2009, c. 35, s. 2; 2012, c. 11, s. 20; 2009, c. 28, s. 3.



NOTE 1: as of 8 December 2010, the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec is designated under the name of “Ordre professionnel des conseillers et conseillères d'orientation du Québec”. (See chapter C-26, r. 77).

NOTE 2: on 8 December 2010, a professional order was constituted by letters patent under the name of “Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec”. (See chapter C-26, r. 208).

NOTE 3: on 10 October 2013, a professional order was constituted by letters patent under the name of “Ordre professionnel des sexologues du Québec”. (See chapter C-26, r. 222.2).

NOTE 4: on 22 July 2015, a professional order was constituted by letters patent under the name of «Ordre professionnel des criminologues du Québec». (See chapter C-26, r. 90.1).

37. Every member of one of the following professional orders may engage in the following professional activities in addition to those otherwise allowed him by law:

(a) *(paragraph repealed);*

(b) *(paragraph repealed);*

(c) the Ordre professionnel des diététistes du Québec: assess the nutritional status of a person and determine and ensure the implementation of a response strategy designed to tailor diet to needs in order to maintain or restore health;

(d) the Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec:

i. if practising 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 practising 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 between spouses or family members in interaction with their environment;

(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;

(f) the Ordre professionnel des conseillers en ressources humaines et en relations industrielles agréés du Québec: practise the art of establishing, maintaining or changing relations between employees, between employers or between employers and employees;

(g) the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec: (*see notes 1 and 2 below*)

i. if practising 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 proactive 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 practising 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;

(h) the Ordre professionnel des urbanistes du Québec: provide the public with professional services involving the application of the principles and methods of development and use of urban land or land to be urbanized;

(i) the Ordre professionnel des administrateurs agréés du Québec: take part in the establishment, direction and management of public bodies or undertakings, determine or remodel their structures and coordinate and control their methods of production or distribution and their economic or financial policies and provide advisory services in such matters;

(j) the Ordre professionnel des évaluateurs agréés du Québec: give in all respects a duly motivated opinion on the value of any immovable property or right and, in matters of expropriation, of any movable or immovable property or right and determine the value of property subject to assessment in accordance with the Act respecting municipal taxation (chapter F-2.1), the Municipal Code (chapter C-27.1), the Cities and Towns Act (chapter C-19), the Education Act (chapter I-13.3), the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14) and the special laws applicable to municipalities and to school boards;

(k) the Ordre professionnel des hygiénistes dentaires du Québec: detect dental oral diseases, teach the principles of oral hygiene and, under a dentist's supervision, use scientific means to control and prevent dental oral ailments;

(l) the Ordre professionnel des techniciens et techniciennes dentaires du Québec: manufacture or repair dental prostheses, on the prescription of a dentist, denturologist or physician;

(m) the Ordre professionnel des orthophonistes et audiologistes du Québec: assess the auditory, language, voice and speech functions, determine a treatment and intervention plan and ensure its implementation in order to improve or restore communication for a person in interaction with his environment;

(n) the Ordre professionnel de la physiothérapie du Québec: assess physical function limitations and disabilities related to the neurological, musculoskeletal and cardiopulmonary systems, determine a treatment plan and apply treatment in order to obtain optimal functional performance;

(o) the Ordre professionnel des ergothérapeutes du Québec: assess functional abilities, determine and implement a treatment and intervention plan, develop, restore or maintain a person's skills, compensate disabilities, reduce handicapping situations and tailor the environment to needs with a view to fostering the optimal autonomy of the person in interaction with his environment;

(p) the Ordre professionnel des infirmières et infirmiers auxiliaires du Québec: participate in the assessment of a person's state of health and in the carrying out of a care plan, provide nursing and medical care and treatment to maintain or restore health and prevent illness, and provide palliative care;

(q) the Ordre professionnel des technologistes médicaux du Québec: conduct analyses and tests in the field of medical biology on the human body or on specimens and ensure the technical validity of the results for diagnostic or therapeutic follow-up purposes;

(r) the Ordre professionnel des technologues professionnels du Québec: subject to any Act governing a professional order 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 Ordre professionnel des inhalothérapeutes du Québec: participate in the assessment of cardiopulmonary function for diagnostic or therapeutic follow-up purposes, participate in the administration of anesthesia, and deal with problems affecting the cardiopulmonary system;

(t) the Ordre professionnel des traducteurs, terminologues et interprètes agréés du Québec: provide services consisting in the translation of texts, spoken words or terms from one language to another, as an intermediary between persons of different languages.

1973, c. 43, s. 37; 1974, c. 65, s. 6; 1975, c. 80, s. 2; 1977, c. 5, s. 229; 1979, c. 72, s. 490; 1987, c. 17, s. 2; 1988, c. 29, s. 5; 1988, c. 84, s. 698; 1993, c. 38, s. 3; 1994, c. 40, s. 33; 1996, c. 2, s. 218; 2000, c. 13, s. 3; 2000, c. 56, s. 124; 2002, c. 33, s. 1; 2009, c. 35, s. 3; 2012, c. 11, s. 21; 2009, c. 28, s. 4.



NOTE 1: as of 8 December 2010, the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec is designated under the name of "Ordre professionnel des conseillers et conseillères d'orientation du Québec". (See chapter C-26, r. 77).

NOTE 2: on 8 December 2010, a professional order was constituted by letters patent under the name of "Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec". (See chapter C-26, r. 208).

NOTE 3: on 10 October 2013, a professional order was constituted by letters patent under the name of "Ordre professionnel des sexologues du Québec". (See chapter C-26, r. 222.2).

NOTE 4: on 22 July 2015, a professional order was constituted by letters patent under the name of «Ordre professionnel des criminologues du Québec». (See chapter C-26, r. 90.1).

37.1. Every member of one of the following professional orders may engage in the following professional activities, which are reserved to such members within the scope of the activities they may engage in under section 37:

(1) the Ordre professionnel des diététistes du Québec:

(a) determine a nutritional treatment plan, including the appropriate feeding route, where an individual prescription indicates that nutrition is a determining factor in the treatment of an illness; and

(b) monitor the nutritional status of persons whose nutritional treatment plan has been determined;

(1.1) the Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec:

(1.1.1) if practising 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 (S.C. 2002, c. 1);

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

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

(f) undertake the psychosocial assessment of a person with regard to the protective supervision of a person of full age or with regard to a protection mandate;

(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;

(i) make decisions as to the use of restraint 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); and

(j) make decisions as to the use of 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;

(1.1.2) if practising 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 individualized education 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;

(i) make decisions as to the use of restraint 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; and

(j) make decisions as to the use of 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: (*see notes 1 and 2 below*)

(1.3.1) if practising 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 individualized education plan in accordance with the Education Act; and

(1.3.2) if practising 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 individualized education 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;

(g) make decisions as to the use of restraint 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; and

(h) make decisions as to the use of 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) the Ordre professionnel des orthophonistes et audiologistes du Québec:

(a) assess hearing disorders in order to determine an audiological treatment and intervention plan;

(b) adjust a hearing aid in the course of an audiological procedure;

(c) make a functional assessment of a person where required under an Act;

(d) assess language, speech and voice disorders in order to determine an orthophonic treatment and intervention plan;

(e) assess a handicapped student or a student with a social maladjustment with a view to formulating an individualized education 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) the Ordre professionnel de la physiothérapie du Québec:

(a) assess neuromusculoskeletal function in a person having a physical function limitation or disability;

(b) make a functional assessment of a person where required under an Act;

(c) introduce an instrument or a finger in the human body beyond the labia majora or anal margin;

(d) introduce an instrument in the human body in and beyond the pharynx or the nasal vestibule;

(e) use invasive forms of energy;

(f) provide treatment for wounds;

(g) make decisions as to the use of restraint measures;

(h) insert needles under the dermis to reduce inflammation, as a supplemental means, provided a training certificate has been issued to the member by the Order pursuant to a regulation under paragraph *o* of section 94; and

(i) perform spinal and joint manipulations, provided a training certificate has been issued to the member by the Order pursuant to a regulation under paragraph *o* of section 94;

(4) the Ordre professionnel des ergothérapeutes du Québec:

(a) make a functional assessment of a person where required under an Act;

(b) assess neuromusculoskeletal function in a person having a physical function limitation or disability;

(c) provide treatment for wounds;

(d) make decisions as to the use of restraint measures;

(e) make decisions as to the use of 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;

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

(g) assess a handicapped student or a student with a social maladjustment with a view to formulating an individualized education plan in accordance with the Education Act; and

(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;

(5) the Ordre professionnel des infirmières et infirmiers auxiliaires du Québec:

(a) apply invasive measures for the maintenance of therapeutic equipment;

(b) take specimens, according to a prescription;

(c) provide care and treatment for wounds and alterations of the skin and teguments, according to a prescription or a nursing plan;

(d) observe the state of consciousness of a person and monitor neurological signs;

(e) mix substances to complete the preparation of a medication, according to a prescription;

(f) administer prescribed medications or other prescribed substances via routes other than the intravenous route;

(g) participate in vaccination operations under the Public Health Act (chapter S-2.2);

(h) introduce an instrument or a finger, according to a prescription, beyond the nasal vestibule, labia majora, urinary meatus or anal margin or into an artificial opening in the human body; and

(i) introduce an instrument, according to a prescription, into a peripheral vein in order to take a specimen, provided a training certificate has been issued to the member by the Order pursuant to a regulation under paragraph *o* of section 94;

(6) the Ordre professionnel des technologistes médicaux du Québec:

(a) take specimens;

(b) perform phlebotomies, according to a prescription;

(c) introduce an instrument, according to a prescription, in and beyond the pharynx or beyond the nasal vestibule, urinary meatus, labia majora or anal margin or into a peripheral vein;

(d) administer, including intravenously from a peripheral site, prescribed medications or other prescribed substances, provided a training certificate has been issued to the member by the Order pursuant to a regulation under paragraph *o* of section 94; and

(e) mix substances to complete the preparation of a medication, according to a prescription;

(7) the Ordre professionnel des inhalothérapeutes du Québec:

(a) provide ventilatory assistance, according to a prescription;

(b) take specimens, according to a prescription;

(c) test cardiopulmonary function, according to a prescription;

(d) provide clinical monitoring of the condition of persons under anesthesia, including sedation analgesia, or under ventilatory assistance;

(e) administer and adjust prescribed medications or other prescribed substances;

(f) mix substances to complete the preparation of a medication, according to a prescription; and

(g) introduce an instrument, according to a prescription, into a peripheral vein or an artificial opening or in and beyond the pharynx or beyond the nasal vestibule.

2002, c. 33, s. 2; 2009, c. 28, s. 5; I.N. 2016-01-01 (NCCP).



NOTE 1: as of 8 December 2010, the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec is designated under the name of "Ordre professionnel des conseillers et conseillères d'orientation du Québec". (See chapter C-26, r. 77).

NOTE 2: on 8 December 2010, a professional order was constituted by letters patent under the name of "Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec". (See chapter C-26, r. 208).

NOTE 3: on 10 October 2013, a professional order was constituted by letters patent under the name of "Ordre professionnel des sexologues du Québec". (See chapter C-26, r. 222.2).

NOTE 4: on 22 July 2015, a professional order was constituted by letters patent under the name of «Ordre professionnel des criminologues du Québec». (See chapter C-26, r. 90.1).

37.2. A person shall not in any manner engage in a professional activity reserved under section 37.1 to members of a professional order, claim to have the right to do so or act in such a way as to lead to the belief that the person is authorized to do so, unless the person holds a valid, appropriate permit and is entered on the roll of the order empowered to issue the permit, except if it is allowed by law.

2002, c. 33, s. 2.

38. Nothing in this division shall be interpreted as giving to members of an order to which it applies the exclusive right to engage in the activities described in section 37, in the letters patent constituting such order or in an amalgamation or integration order.

The right to exercise a professional activity reserved under section 37.1 for members of a professional order must not be interpreted as prohibiting members of an order to which this division applies from exercising the activities described in section 37, in the letters patent constituting an order or in an amalgamation or integration order.

1973, c. 43, s. 38; 1994, c. 40, s. 34; 1998, c. 14, s. 6; 2009, c. 28, s. 6.

39. *(Repealed).*

1973, c. 43, s. 39; 1988, c. 29, s. 6; 1994, c. 40, s. 35; 2008, c. 11, s. 7.

39.1. *(Repealed).*

2002, c. 33, s. 3; 2008, c. 11, s. 7.

DIVISION III.1

SPECIAL PROVISIONS RESPECTING CERTAIN PROFESSIONS

2002, c. 33, s. 4.

39.2. In this division, the words "order" and "professional order" mean a professional order mentioned in any of paragraphs 3, 5, 15, 21, 24 to 26, 28, 34 to 38 and 40 of Schedule I.

2002, c. 33, s. 4; 2009, c. 28, s. 7.

39.3. For the purposes of section 37.1 of this Code, the second paragraph of section 36 of the Nurses Act (chapter I-8) and the second paragraph of section 11.1 of the Act respecting medical imaging technologists, radiation oncology technologists and medical electrophysiology technologists (chapter T-5), the word “prescription” means a direction given to a professional by a physician, a dentist or another professional authorized by law, specifying the medications, treatments, examinations or other forms of care to be provided to a person or a group of persons, the circumstances in which they may be provided and the possible contraindications. A prescription may be individual or collective.

For the purposes of the second paragraph of section 7 of the Act respecting medical imaging technologists, radiation oncology technologists and medical electrophysiology technologists, the word “prescription” also means a direction given by a veterinary surgeon or a person holding a permit referred to in section 186.

The definition of the word “prescription” set out in the first paragraph applies, in addition to paragraph *j* of section 1 of the Pharmacy Act (chapter P-10), for the purposes of subparagraphs 5 and 10 of the second paragraph of section 17 of that Act.

2002, c. 33, s. 4; 2012, c. 10, s. 9; 2011, c. 37, s. 5.

39.4. The practice of the profession of the members of an order also includes disseminating information, promoting health and preventing suicide, illness, accidents and social problems among individuals and within families and communities to the extent that such activities are related to their professional activities.

2002, c. 33, s. 4; 2009, c. 28, s. 8.

39.5. Section 37.2 shall not prevent persons or categories of persons from engaging in professional activities that may be engaged in by members of a professional order, provided that they do so in accordance with the provisions of a regulation under paragraph *h* of section 94.

2002, c. 33, s. 4.

39.6. Notwithstanding any inconsistent provision, a parent, a childcare provider or an informal caregiver may engage in professional activities reserved to members of an order.

For the purposes of this section, an informal caregiver is a close relation who provides care and regular support, without remuneration, to another person.

2002, c. 33, s. 4.

39.7. The invasive care involved in assistance with activities of daily living that is required on a sustained basis for the maintenance of health does not constitute a professional activity reserved to members of an order where it is provided by a person as part of the activities of an intermediate or family-type resource referred to in the Act respecting health services and social services (chapter S-4.2) or as part of a home care program provided by an institution operating a local community service centre.

2002, c. 33, s. 4.

39.8. Notwithstanding any inconsistent provision, a person working for an intermediate or family-type resource referred to in section 39.7 or under a home care program provided by an institution operating a local community service centre, or a person working in a school or another temporary alternative environment for children, may administer prescribed ready-to-administer medications by oral, topical, transdermal, ophthalmic, otic, rectal or vaginal route or by inhalation, and administer insulin by subcutaneous route.

2002, c. 33, s. 4; 2008, c. 11, s. 8.

39.9. The Office may, by regulation, determine places, cases and circumstances in which a person may engage in the activities described in sections 39.7 and 39.8 as well as the applicable conditions and procedures.

When drafting such a regulation, the Office must have due regard for the availability of professionals in those places, cases and circumstances and for the supervision provided by a centre operated by an institution.

Before making a regulation under the first paragraph, the Office must consult with the Minister of Health and Social Services and the professional orders concerned.

2002, c. 33, s. 4.

39.10. Any person acting on behalf of Héma-Québec may take blood specimens by means of pre-installed tubing.

2002, c. 33, s. 4.

DIVISION IV

COMMON PROVISIONS

40. The board of directors of an order shall issue a permit or a specialist's certificate to any person who meets the conditions prescribed by this Code, the Act constituting such order and the regulations made under this Code or the said Act.

1973, c. 43, s. 40; 1994, c. 40, s. 36; 2008, c. 11, s. 1, s. 9.

41. The board of directors of an order may issue, on the conditions it determines, to any person legally authorized to practise outside Québec the same profession as the members of such order a temporary permit valid for a period of one year and renewable.

1973, c. 43, s. 41; 1974, c. 6, s. 113; 1977, c. 5, s. 223; 1994, c. 40, s. 37; 2006, c. 20, s. 1; 2008, c. 11, s. 1.

42. To obtain a permit or a specialist's certificate, a person must

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

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

(2.1) have the professional competence required in a regulation made under paragraph *c.2* of section 93 and meet the terms and conditions determined in the regulation; or

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

1973, c. 43, s. 42; 1975, c. 80, s. 3; 1994, c. 40, s. 38; 2006, c. 20, s. 2; 2009, c. 16, s. 1.

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

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

(1.1) in addition to having the professional competence required, the person must meet one of the conditions set out in a regulation made under paragraph *c.2* of section 93 to obtain a permit issued under paragraph 2.1 of section 42; or

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

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

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

2006, c. 20, s. 3; 2008, c. 11, s. 1; 2009, c. 16, s. 2.

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

2006, c. 20, s. 3; 2008, c. 11, s. 1.

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

2006, c. 20, s. 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.

2008, c. 11, s. 10.

43. No order may refuse to issue a permit or specialist's certificate or to grant a special authorization for reasons of race, colour, sex, religion, national extraction or social origin.

1973, c. 43, s. 43; 1994, c. 40, s. 39.

44. (*Repealed*).

1973, c. 43, s. 44; 1977, c. 5, s. 229; 1994, c. 40, s. 40; 2000, c. 13, s. 4.

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

(1) has been the subject of a decision of a Canadian court finding him guilty of a criminal offence which, in the reasoned opinion of the board of directors, is related to the practice of the profession, unless he has obtained a pardon;

(2) has been the subject of a decision of a foreign court finding him guilty of an offence which, if committed in Canada, could have led to criminal proceedings and which, in the reasoned opinion of the board of directors, is related to the practice of the profession, unless he has obtained a pardon;

(3) has been the subject of a disciplinary decision made in Québec by the disciplinary council 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;

(4) has been the subject of a disciplinary decision made outside Québec which, if made in Québec, would have had the effect of a revocation of permit or a striking off the roll, including a provisional striking off the roll imposed by an order's disciplinary council;

(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.

Before making a decision under this section, the board of directors must give the person concerned an opportunity to submit 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 (chapter C-25.01); 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.

1973, c. 43, s. 45; 1974, c. 65, s. 7; 1994, c. 40, s. 40; 2000, c. 13, s. 5; 2008, c. 11, s. 1, s. 11; I.N. 2016-01-01 (NCCP).

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

(1) is the subject of a disciplinary decision made in Québec by the disciplinary council of another order or by the Professions Tribunal in an appeal from a decision of that council, imposing the restriction or suspension of his right to engage in professional activities;

(2) is the subject of a disciplinary decision made outside Québec which, if made in Québec, would have had the effect of a restriction or suspension of the right to engage in professional activities imposed by the disciplinary council of an order;

(3) is or has been, as the case may be, the subject of a decision described in section 45.

A decision to restrict or suspend the right to engage in professional activities shall be served on the applicant in accordance with the Code of Civil Procedure (chapter C-25.01); the decision may be appealed from to the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV.

1994, c. 40, s. 40; 2000, c. 13, s. 6; 2008, c. 11, s. 1, s. 12; I.N. 2016-01-01 (NCCP).

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.

1994, c. 40, s. 40; 2008, c. 11, s. 13.

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, after giving the applicant an opportunity to submit observations,

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

(2) enter the 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 (chapter C-25.01); 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.

2008, c. 11, s. 14; I.N. 2016-01-01 (NCCP).

46. Every person who applies therefor to the secretary of an order shall be entered on the roll of the order if he satisfies the following conditions:

(1) he holds a permit issued by the board of directors of the order;

(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;

(6) he satisfies the other conditions for entry on the roll prescribed by this Code or by the Act constituting the order.

1973, c. 43, s. 49; 1994, c. 40, s. 40; 1995, c. 50, s. 3; 2001, c. 34, s. 2; 2008, c. 11, s. 1, s. 15.

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.

2008, c. 11, s. 16.

46.1. The secretary of the order shall prepare the roll of the order. The roll shall contain, if applicable, the following information:

(1) the name of each person who has applied for entry on the roll and satisfies the conditions set out in section 46;

(2) the sex of that person;

(3) the name of the person's office or employer;

(4) the address and telephone number of the person's professional domicile;

(5) the year the person was first entered on the roll and the year of every subsequent entry on the roll;

(6) every certificate, permit, accreditation or authorization that the order has issued to the person, with the date of issue;

(7) a note to the effect that the person has been struck off the roll in the past or that the person's right to engage in professional activities is or has been restricted or suspended by the application of section 45.1, 51, 55, 55.1 or 55.2;

(8) a note to the effect that the person has been struck off the roll or declared disqualified in the past, that the person's specialist's certificate is or has been revoked or that the person's right to engage in professional activities is or has been restricted or suspended by a decision of the board of directors, in cases other than those referred to in sections 45.1, 51, 55 and 55.1, or by a decision of a disciplinary council or of a court; and

(9) any other information determined by regulation of the Office.

The secretary of the order shall note on the roll the period during which a decision referred to in subparagraph 7 or 8 of the first paragraph of this section applies.

2006, c. 22, s. 150; 2008, c. 11, s. 1, s. 17.

46.2. The secretary of the order shall keep in a directory the information concerning a person who is no longer entered on the roll as a result of having been struck off, having been declared disqualified, or having otherwise ceased to be a member of the order. The information remains in the directory until the person is again entered on the roll, if applicable, or until the person's death or 100th birthday.

The secretary shall keep the information concerning a person to whom a special authorization is issued under section 42.4, without indicating it on the roll or in the directory, even after the authorization ceases to have effect.

The information may not be destroyed unless a regulation of the Office under section 12 allows it.

2006, c. 22, s. 150; 2008, c. 11, s. 18.

47. The Québec Official Publisher shall not publish a notice in the *Gazette officielle du Québec* that a bill will be presented to the National Assembly to authorize a person to be admitted to the practice of a profession contemplated by this Code and the Secretary General of the National Assembly shall not receive such a bill or have it printed.

1973, c. 43, s. 50.

48. The board of directors of an order may order the medical examination of a person who is a member of such order, who applies for entry on the roll or who makes another application preceding admission to the profession where it has reason to believe his physical or mental condition is incompatible with the practice of his profession.

1973, c. 43, s. 51; 1975, c. 80, s. 4; 1977, c. 66, s. 2; 1994, c. 40, s. 41; 2008, c. 11, s. 1, s. 19.

49. The physical examination required by the board of directors shall be carried out by three physicians; one of these shall be designated by the board of directors, another, by the person concerned and the third, by the first two.

If the person concerned refuses or neglects to designate a physician or to inform the board of directors of the name of such physician within 20 days from the service of the order to submit to a medical examination, the board of directors instead of that person shall designate such physician.

If the first two physicians refuse or neglect to designate a third physician or to inform the board of directors of his name within 20 days from the appointment of the second of them, the board of directors instead of the first two physicians shall designate him.

The three designated physicians must file with the board of directors their opinions which together constitute the report of the medical examination of the person concerned not later than 90 days after the designation of the last of them, unless the board of directors grants them additional time. On receiving the opinions, the board of directors shall send them to the person concerned.

The expert's fees shall be paid by the board of directors in the case of the physician it has designated, by the person concerned in the case of the physician he or the board of directors, instead of him, as the case may be, has designated, and by the board of directors and the person concerned, in equal shares, in the case of the third physician.

1977, c. 66, s. 2; 1988, c. 29, s. 7; 1994, c. 40, s. 42; 1999, c. 40, s. 58; 2008, c. 11, s. 1, s. 2, s. 151.

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.

2008, c. 11, s. 21.

50. The order to submit to a medical examination is served on the person concerned in accordance with the Code of Civil Procedure (chapter C-25.01). Such order must state the reasons for the decision of the board of directors and the name of the physician designated by the board of directors, and must require the person

concerned to designate a physician in accordance with section 49 and to inform the board of directors of the name of such physician.

1977, c. 66, s. 2; 2008, c. 11, s. 1, s. 151; I.N. 2016-01-01 (NCCP).

51. Where the person concerned refuses to submit to the medical examination or where, according to the report of the three physicians, his physical or mental condition is incompatible with the practice of his profession, the board of directors may, after giving him an opportunity to submit observations,

(a) if such person is a member of the order, strike him off the roll or restrict or suspend his right to engage in professional activities;

(b) if such person is not a member of the order, refuse to enter him on the roll, 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.

Every decision under the first paragraph must be served forthwith, in accordance with the Code of Civil Procedure (chapter C-25.01), on the person concerned.

1977, c. 66, s. 2; 1988, c. 29, s. 8; 1994, c. 40, s. 43; 2008, c. 11, s. 1, s. 22, s. 151; I.N. 2016-01-01 (NCCP).

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.

The board of directors 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.

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

1977, c. 66, s. 2; 1982, c. 32, s. 77; 1988, c. 29, s. 9; 2008, c. 11, s. 1, s. 23.

52.1. The board of directors may, when it considers that the physical or mental condition of a professional requires immediate action to protect the public, provisionally strike the professional off the roll or restrict or suspend his right to engage in professional activities until a decision is rendered following the medical examination ordered under section 48.

However, the board of directors may not render a provisional decision under the first paragraph before informing the professional of the facts brought to its attention and giving the professional an opportunity to submit observations in the manner and within the time limit it indicates.

The provisional decision rendered under the first paragraph is served in accordance with the Code of Civil Procedure (chapter C-25.01). Unless it has been served beforehand, the order to submit to a medical examination under section 50 is served at the same time. In all cases, the procedure under section 49 is maintained and the decision is rendered as soon as possible.

2004, c. 15, s. 1; 2008, c. 11, s. 1; I.N. 2016-01-01 (NCCP).

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.

2004, c. 15, s. 1; 2008, c. 11, s. 24.

53. A decision under section 51, the second paragraph of section 52 or section 52.1 is subject to appeal before the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV.

1977, c. 66, s. 2; 1988, c. 29, s. 9; 1994, c. 40, s. 44; 2004, c. 15, s. 2.

54. Every professional must refrain from practising his profession or performing certain professional acts to the extent that his state of health is an obstacle thereto.

1973, c. 43, s. 52.

55. The board of directors of an order may, on the recommendation of the professional inspection committee or the disciplinary council or in the cases determined by a regulation under paragraph *j* of section 94, require any member of the order to successfully complete a period of refresher training or a refresher course, or both such training and course. 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

Where the board of directors of an order imposes a requirement described in the first paragraph on a member of the order, the board of directors may, on the recommendation of the professional inspection committee or the disciplinary council or in the cases determined by a regulation under paragraph *j* of section 94, restrict or suspend the member's right to engage in professional activities until that requirement is met.

In case of repeated failure to meet a requirement imposed under the first paragraph accompanied by a restriction or suspension, the board of directors may, after giving the professional concerned the opportunity to make representations, strike the professional off the roll, or permanently restrict the professional's right to engage in professional activities reserved for members of the order. The decision of the board of directors shall be served on the professional in accordance with the Code of Civil Procedure (chapter C-25.01); the decision may be appealed from to the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV.

1973, c. 43, s. 54; 1988, c. 29, s. 10; 1994, c. 40, s. 45; 2000, c. 13, s. 7; 2008, c. 11, s. 1, s. 25; I.N. 2016-01-01 (NCCP).

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.

2008, c. 11, s. 26.

55.1. The board of directors may, after giving the professional concerned an opportunity to submit 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.

1994, c. 40, s. 46; 2004, c. 15, s. 3; 2008, c. 11, s. 27.

55.2. The board of directors may, after giving the professional an opportunity to submit 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.

2008, c. 11, s. 27.

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.

2008, c. 11, s. 27.

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 (chapter C-25.01); the decision may be appealed to the Professions Tribunal in accordance with Division VIII of Chapter IV.

2008, c. 11, s. 27; I.N. 2016-01-01 (NCCP).

55.5. For the purposes of section 55.1, the board of directors may send to the Director of Criminal and Penal Prosecutions a list of criminal and penal offences that may be related to the practice of the profession and for which the order wishes to be informed of any charge brought against a member. The order and the Director may enter into an agreement to determine the manner in which this information is to be sent.

2008, c. 11, s. 28.

56. When the board of directors of an order is informed or has reason to believe that the holder of a permit or specialist's certificate has been guilty of fraud in obtaining such permit or certificate, it may request that an inquiry be made into the matter in accordance with Division VII.

If the fraud charged is maintained against the respondent, the disciplinary council shall revoke his permit or certificate, whether or not he is entered on the roll at that time.

1973, c. 43, s. 55; 1994, c. 40, s. 47; 2008, c. 11, s. 1.

57. No professional may refuse to provide services to a person because of the race, colour, sex, age, religion, national extraction or social origin of such person.

1973, c. 43, s. 56.

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.

1973, c. 43, s. 57; 2008, c. 11, s. 29.

58.1. No professional may use the title of "Doctor" or an abbreviation of that title unless the title or abbreviation is placed

(1) immediately before the professional's name, where the professional holds a doctoral diploma recognized as a valid diploma for the issue of the permit or specialist's certificate held by the professional pursuant to a government regulation under the first paragraph of section 184 or a doctoral diploma recognized as equivalent by the board of directors of the order that issued the permit or certificate, and unless the professional's name is followed by a title reserved for the members of the order; or

(2) after the professional's name, and the title or abbreviation is followed by the name of the discipline in which the doctoral diploma is held.

This section does not apply to the members of the Ordre professionnel des dentistes du Québec, the Collège des médecins du Québec or the Ordre professionnel des médecins vétérinaires du Québec.

2000, c. 13, s. 8; 2008, c. 11, s. 1.

59. Every professional who contravenes section 57, 58 or 58.1 commits an act derogatory to the dignity of his profession.

1973, c. 43, s. 58; 2000, c. 13, s. 9.

59.1. The fact of a professional taking advantage of his professional relationship with a person to whom he is providing services, during that relationship, to have sexual relations with that person or to make improper gestures or remarks of a sexual nature, constitutes an act derogatory to the dignity of his profession.

1994, c. 40, s. 49.

59.1.1. The following acts engaged in by a professional also constitute acts derogatory to the dignity of the profession:

- (1) committing an act involving collusion, corruption, malfeasance, breach of trust or influence peddling;
- (2) attempting to commit such an act or counselling another person to do so; and
- (3) conspiring to commit such an act.

2013, c. 12, s. 2.

59.2. No professional may engage in an act derogatory to the honour or dignity of his profession or to the discipline of the members of the order, or practise a profession, carry on a trade, enterprise or business or hold an office or function that is inconsistent with the honour, dignity or practice of his profession.

1994, c. 40, s. 49.

59.3. A professional must, within 10 days from the day on which he is himself informed, notify the secretary of the order of which he is a member that he is or has been the subject of a judicial or disciplinary decision referred to in section 55.1 or 55.2.

1994, c. 40, s. 49; 2008, c. 11, s. 30.

60. A professional shall elect domicile by informing the secretary of the order of which he is a member of the place where he principally practises his profession or, if he does not practise, his place of residence or principal place of employment, within 30 days after he begins to practise; the domicile thus elected shall constitute his professional domicile. He must also inform the secretary of all the other places where he practises his profession.

He must also advise the secretary of any change in this respect, within 30 days of the change.

Every member of an order the constituting Act of which mentions, for election purposes or for any consultation of members, the place of residence or domicile rather than his professional domicile, must inform the secretary of his order of any change in his place of residence or domicile, as the case may be, within 30 days of such change.

1973, c. 43, s. 59; 1974, c. 65, s. 8; 1994, c. 40, s. 50; 2008, c. 11, s. 31.

60.1. A service or product provided by a professional must conform with any statement he makes, or advertisement he places, concerning that service or product; the professional is bound by such statements or advertisements.

1990, c. 76, s. 2.

60.2. No professional may, by whatever means, make false, misleading or incomplete representations, in particular as to his level of competence or the scope or effectiveness of his services or of those generally offered by members of his profession.

1990, c. 76, s. 2; 2008, c. 11, s. 32.

60.3. No professional may, falsely, by whatever means,

- (a) ascribe particular advantages to a service or product;
- (b) claim that a pecuniary benefit will result from the use or acquisition of a service or product;
- (c) claim that a service or product complies with determined standards; or
- (d) ascribe certain performance characteristics to a service or product.

1990, c. 76, s. 2.

60.4. Every professional must preserve the secrecy of all confidential information that becomes known to him in the practice of his profession.

He may be released from his obligation of professional secrecy only with the authorization of his client or where so ordered or expressly authorized by law.

The professional may, in addition, communicate information that is protected by professional secrecy, in order to prevent an act of violence, including a suicide, where he has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons. However, the professional may only communicate the information to a person exposed to the danger or that person's representative, and to the persons who can come to that person's aid. The professional may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

1994, c. 40, s. 51; 2001, c. 78, s. 5; 2008, c. 11, s. 33.

60.5. Every professional must respect the right of his client to examine documents concerning him in any record established in his respect, and to obtain a copy of such documents.

However, where authorized by law, a professional may refuse to allow access to the information contained in such a record.

1994, c. 40, s. 51; 2008, c. 11, s. 34.

60.6. Every professional must respect the right of his client to cause to be corrected any information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected, contained in a document concerning him in any record established in his respect.

He must also respect the right of his client to cause to be deleted any information that is outdated or not justified by the object of the record, or to prepare written comments and file them in the record.

1994, c. 40, s. 51.

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.

2008, c. 11, s. 35.

DIVISION V

ADMINISTRATION

§ 1. — *The board of directors*

2008, c. 11, s. 1.

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.

The president and all the directors must be domiciled in Québec; if the president or any director ceases to be domiciled in Québec during his term, he is deemed to have resigned.

1973, c. 43, s. 60; 1983, c. 54, s. 16; 1988, c. 29, s. 11; 1994, c. 40, s. 52; 2008, c. 11, s. 36.

62. The board of directors shall have the general administration of the affairs of the order and shall see to the application of this Code, the Act or the letters patent constituting the order, the amalgamation or integration order and the regulations made under this Code or such Act. It shall exercise all the rights, powers and prerogatives of the order, except those within the competence of the members of the order in general meeting. Unless otherwise provided by this Code or such Act, it shall exercise them by resolution.

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.

1973, c. 43, s. 61; 1994, c. 40, s. 53; 1998, c. 14, s. 7; 2008, c. 11, s. 1, s. 37.

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;

(4) choose to hold an election to elect the president and other directors by a technological means, which must ensure the security, secrecy and integrity of the ballot.

2008, c. 11, s. 38; 2014, c. 13, s. 21.

62.2. A professional must, in accordance with the terms and conditions determined by the board of directors, inform the order of which he is a member of any professional liability claim against him filed with his insurer and of any notice of loss he files with his insurer with respect to professional liability.

2008, c. 11, s. 38.

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.

On the advice of the secretary of an order, 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 paragraph or in accordance with the Act constituting the professional order; or

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

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 second paragraph has not been held; or

(2) the board of directors does not have a quorum despite the holding of the election ordered under the second paragraph.

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 third paragraph has not been held; or

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

1973, c. 43, s. 62; 1974, c. 65, s. 9; 1988, c. 29, s. 12; 1994, c. 40, s. 54; 2000, c. 13, s. 10; 2008, c. 11, s. 1, s. 39.

63.1. The board of directors must, to hold an election to elect the president and other directors by a technological means, determine the particulars of the election process in a regulation made under paragraph *b* of section 93. The regulation may adapt the provisions of this Code to allow the implementation of the election.

2014, c. 13, s. 22.

64. The president shall be elected by one of the following modes, determined by the general meeting:

(a) by a general vote of the members of the order, by secret ballot;

(b) by the vote of the elected directors, who shall elect the president from among their number by secret ballot.

If the president is elected in accordance with subparagraph *b* of the preceding paragraph, the board of directors shall be deemed regularly constituted notwithstanding that the number of directors is reduced by one.

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

1973, c. 43, s. 63; 1974, c. 65, s. 10; 1988, c. 29, s. 13; 1994, c. 40, s. 55; 2008, c. 11, s. 1.

65. To ensure adequate regional representation on the board of directors of the order, the board of directors shall, by regulation, determine the number of regions, delimit them and establish how each such region is to be represented in terms of the number of elected directors on the board of directors of the order. Such regions shall be delimited with reference to the description and map of the boundaries in Schedule I to the Décret concernant la révision des limites des régions administratives du Québec (chapter D-11, r. 1).

If the number of members of the order is not sufficient to justify dividing the territory of Québec into regions, the board of directors may prescribe by regulation that all of such territory shall constitute a single region.

The regulation may provide, within the board of directors, for representation of the sectors of professional activity of the members of the order and, for that purpose, may determine the activity sectors concerned, fix the number of directors representing them and establish how the sectors are to be represented among the directors.

1973, c. 43, s. 64; 1974, c. 65, s. 109; 1988, c. 29, s. 14; 1994, c. 40, s. 56; 2008, c. 11, s. 1.

66. (*Repealed*).

1973, c. 43, s. 65; 1983, c. 54, s. 17; 2008, c. 11, s. 40.

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.

Only those members of the order who have their professional domiciles in a particular region may be candidates in that region.

1983, c. 54, s. 17; 1994, c. 40, s. 57; 2000, c. 13, s. 11; 2008, c. 11, s. 41.

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 order at least 30 days before the date fixed for the closing of the poll. However, the board of directors may, in a regulation under paragraph *b* of section 93, fix a longer period of up to 45 days. The nomination paper must also be signed by five members of the order or by such number of members as may be determined by the board of directors in the regulation.

The same applies to the candidates for the office of president, if the president is elected by a general vote of the members of the order.

If only one candidate is proposed for an office within the fixed time, the secretary shall immediately declare him elected.

1973, c. 43, s. 66; 1974, c. 65, s. 11; 1988, c. 29, s. 15; 1994, c. 40, s. 58; 1999, c. 40, s. 58; 2000, c. 13, s. 12; 2008, c. 11, s. 1.

68. Only those professionals who have their professional domiciles in a particular region may sign the nomination paper of a candidate for the office of director in that region.

1973, c. 43, s. 67; 1994, c. 40, s. 59.

69. At least fifteen days before the date fixed for the closing of the poll, the secretary of the order shall send to each member of the order entitled to vote the following documents at the same time as he advises him of such date:

(a) a ballot paper certified by the secretary, stating the names of the candidates for the office of director in the region in which each member may exercise his right to vote and an envelope in which to insert the ballot paper, bearing the words “BALLOT PAPER DIRECTOR” and the name of the order;

(b) where the president is elected by a general vote of the members of the order, ballot paper certified by the secretary stating the names of the candidates for the office of president and an envelope in which to insert the ballot paper, bearing the words “BALLOT PAPER PRESIDENT” and the name of the order;

(c) an envelope addressed to the secretary of the order 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;

(d) any other document that may be prescribed by the board of directors in a regulation under paragraph *b* of section 93.

1973, c. 43, s. 68; 1974, c. 65, s. 12; 1977, c. 66, s. 4; 1988, c. 29, s. 16; 1994, c. 40, s. 60; 2000, c. 13, s. 13; 2008, c. 11, s. 1.

70. All the ballot papers and envelopes to be used at an election shall be in the same form and as nearly alike as possible.

Each ballot shall contain a blank space for voting purposes to the right of the name of each candidate.

1973, c. 43, s. 69; 1983, c. 54, s. 18; 2009, c. 35, s. 4.

71. Only the persons who were members of the order 45 days before the date fixed for the closing of the poll and still are may vote. However, the board of directors may, in a regulation under paragraph *b* of section 93, fix a longer period of up to 60 days.

They shall cast their vote by marking the ballot paper within one or more of the blank spaces provided for that purpose, according to whether there are one or more candidates to be elected.

1973, c. 43, s. 70; 1974, c. 65, s. 13; 1977, c. 66, s. 5; 1983, c. 54, s. 19; 1994, c. 40, s. 61; 2000, c. 13, s. 14; 2008, c. 11, s. 1, s. 42; 2009, c. 35, s. 5.

72. The voter shall send his ballot paper, or his ballot papers if the president is elected by a general vote, to the secretary of the order in the envelope referred to in paragraph *c* of section 69 sent to him for that purpose.

1973, c. 43, s. 71; 1983, c. 54, s. 20; 1988, c. 29, s. 17; 1994, c. 40, s. 62.

73. The secretary of the order shall, without opening them, deposit in a sealed ballot box all the envelopes containing ballot papers he receives before the closing of the poll.

1973, c. 43, s. 72; 1994, c. 40, s. 63.

74. Within ten days following the date of the closing of the poll, the secretary of the order shall proceed to the counting of the votes in the presence of the scrutineers designated by the board of directors; the number of such scrutineers must be three or such greater number as the board of directors may fix in a regulation under paragraph *b* of section 93.

Any ballot paper marked within one or more of the blank spaces provided for that purpose shall be considered valid.

However, the secretary of the order shall reject a ballot paper if it

- (1) was not certified by the secretary of the order;
- (2) is not marked;
- (3) is marked for more candidates than there are to elect;
- (4) is marked for a person who is not a candidate;
- (5) is marked outside the space provided for voting purposes;
- (6) bears a fanciful or injurious marking; or
- (7) bears a mark by which the elector can be identified.

No ballot paper may be rejected for the sole reason that the mark extends beyond the space provided for voting purposes or that the space is not completely filled in.

In case of a tie-vote, a drawing of lots determines which candidate is elected.

1973, c. 43, s. 73; 1974, c. 65, s. 14; 1975, c. 80, s. 5; 1994, c. 40, s. 64; 2000, c. 13, s. 15; 2008, c. 11, s. 1; 2009, c. 35, s. 6.

75. The elected directors must have their professional domiciles in the region or one of the regions they represent.

An elected director shall be deemed to have resigned from the time he ceases to have his professional domicile in the region or one of the regions he represents.

The first and second paragraphs do not apply to the elected director who holds the office of president.

1973, c. 43, s. 74; 1994, c. 40, s. 65; 1999, c. 40, s. 58.

76. The president and the directors elected must be members of the order.

They shall enter into office on the date and at the time fixed under paragraph *b* of section 93 and remain in office until their death, resignation or replacement, the restriction or suspension of their right to engage in professional activities or their striking off the roll.

1973, c. 43, s. 75; 1974, c. 65, s. 15; 1988, c. 29, s. 18; 1994, c. 40, s. 66; 2008, c. 11, s. 43.

77. If the number of candidates elected is less than the number of offices to be filled, the vacant positions shall be filled by members of the order appointed by those who have been elected members of the board of directors. The persons so appointed shall be deemed to be elected directors of the board of directors.

1973, c. 43, s. 76; 1994, c. 40, s. 67; 1999, c. 40, s. 58; 2008, c. 11, s. 1.

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.

The directors appointed by the Office by virtue of this Code or of the constituting Act of an order shall be appointed for the same term as the elected directors and shall perform the same duties, have the same powers and be subject to the same obligations as the latter. The directors appointed by the Office shall be entitled, to the extent and on the conditions determined by the Government, to an attendance allowance and to the reimbursement of reasonable expenses incurred by them in the performance of their duties. The allowance and the amount of reimbursement shall be payable by the Office.

Notwithstanding any inconsistent provision, the directors appointed by the Office shall form an integral part of the board of directors as and when they take office.

1973, c. 43, s. 77; 1974, c. 65, s. 16, s. 109; 1977, c. 66, s. 6; 1983, c. 54, s. 21; 1994, c. 40, s. 68; 1995, c. 50, s. 4; 1999, c. 40, s. 58; 2008, c. 11, s. 1, s. 44.

79. Any vacancy in the office of an elected director shall be filled by an election by secret ballot held among the elected members of the board of directors or according to another mode of election determined by a regulation under paragraph *b* of section 93. The term of office of the person so elected shall end upon the expiry of that of the person whom he replaces.

The new director shall have his professional domicile in the region or one of the regions represented by the director whom he replaces unless there is no candidate from that region or those regions to fill the vacancy.

Any vacancy in the office of an appointed director shall be filled for the unexpired portion of the term by a new director appointed by the Office in accordance with section 78.

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.

1973, c. 43, s. 78; 1974, c. 65, s. 109; 1988, c. 29, s. 19; 1994, c. 40, s. 69; 2008, c. 11, s. 45.

80. 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.

The president may not act as the secretary of the order, or exercise the functions assigned to the secretary by this Code or the Act constituting the professional order of which he is a member.

1973, c. 43, s. 79; 1994, c. 40, s. 70; 2000, c. 13, s. 16; 2008, c. 11, s. 46.

81. If the office of president becomes vacant, the president shall be replaced for the unexpired portion of his term by one of the elected directors designated by the board of directors or in another way determined by regulation under paragraph *b* of section 93.

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.

1973, c. 43, s. 80; 2008, c. 11, s. 47.

82. The members of the board of directors shall hold the number of meetings required to carry out the functions 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.

1973, c. 43, s. 81; 1975, c. 80, s. 6; 2008, c. 11, s. 48.

83. Special meetings of the board of directors shall be held at the request of the president or one-quarter of the members of the board of directors.

1973, c. 43, s. 82; 2008, c. 11, s. 1.

84. A majority of the members of the board of directors shall constitute a quorum; 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 determined by the board of directors under paragraph 3 of section 62.1.

The members must vote or express their opinion 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 or a ground for recusation considered sufficient by the president.

In the case of a tie-vote, the president shall have a casting vote.

1973, c. 43, s. 83; 1988, c. 29, s. 20; 2008, c. 11, s. 1, s. 50.

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.

1977, c. 66, s. 7; 1994, c. 40, s. 71; 2008, c. 11, s. 51.

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.

2008, c. 11, s. 52.

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.

2008, c. 11, s. 52.

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.

2008, c. 11, s. 52.

86. (*Repealed*).

1973, c. 43, s. 84; 1974, c. 65, s. 17, s. 109; 1975, c. 80, s. 7; 1977, c. 66, s. 8; 1983, c. 54, s. 22; 1987, c. 54, s. 33; 1988, c. 29, s. 21; 1989, c. 38, s. 319; 1994, c. 40, s. 72; 1999, c. 40, s. 58; 2000, c. 13, s. 17; 2001, c. 34, s. 3; 2006, c. 22, s. 151; 2008, c. 11, s. 53.

86.0.1. The board of directors may, in particular,

(1) publish any periodical, leaflet or information concerning the activities of the order or its members;

(2) form committees, determine their powers and fix the salary, fees or indemnities of their members;

(3) establish a benevolent fund or a pension plan, in accordance with the Supplemental Pension Plans Act (chapter R-15.1), for the benefit of the members or employees of the order;

(4) establish and administer a retirement fund for the members of the order and organize group insurance plans on their behalf;

(5) establish and administer a contingency fund, the assets of which are invested in accordance with articles 1339 to 1344 of the Civil Code, for the benefit of members of the order in need;

(6) establish and administer a fund to promote training, information, the quality of professional services and research;

(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;

(9) (*paragraph replaced*);

(10) require any person applying for a permit or for entry on the roll to take the oath in the form established by the board of directors;

(11) prescribe that fees in the amount fixed by the Office pursuant to paragraph 2 of section 12.3, shall be charged to a person who requests an opinion from the review committee in accordance with section 123.4;

(12) suggest a tariff of professional fees that the members of the order may apply in respect of the professional services they render.

1994, c. 40, s. 73; 1999, c. 40, s. 58; 2008, c. 11, s. 1, s. 54.

86.1. The board of directors may set up a professional liability insurance fund and administer it in accordance with the Act respecting insurance (chapter A-32).

The resolution creating the fund is effective only if the Minister of Finance authorizes the professional order to act as insurer in accordance with section 174.5 of the Act respecting insurance.

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.

Nothing in this Code shall prevent a professional order from setting up, acquiring or managing an insurance company to insure its members in respect of professional liability and, where applicable, other risks referred to in the second paragraph of section 220 of the Act respecting insurance, or the liability of a partnership or company which may arise from fault on the part of members authorized to carry on their professional activities within the partnership or company in accordance with section 187.11.

1987, c. 54, s. 34; 1990, c. 52, s. 1; 1994, c. 40, s. 74; 2001, c. 34, s. 4; 2003, c. 1, s. 15; 2008, c. 11, s. 1, s. 55.

87. The board of directors must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, his clients and his profession, particularly the duty to discharge his professional obligations with integrity. Such code must contain, *inter alia*:

- (1) provisions to prevent conflict of interest situations;
- (2) provisions defining, if applicable, the professions, trades, industries, businesses, offices or duties incompatible with the dignity or practice of the profession;
- (3) provisions to preserve the secrecy of confidential information that becomes known to the members of the order in the practice of their profession, 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;
- (4) provisions setting out the conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6, and provisions concerning a professional's obligation to release documents to his client;
- (5) provisions setting out conditions, obligations and, where applicable, prohibitions in respect of advertising by the members of the order;
- (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.

1973, c. 43, s. 85; 1975, c. 80, s. 8; 1990, c. 76, s. 3; 1994, c. 40, s. 75; 2001, c. 78, s. 6; 2008, c. 11, s. 1, s. 56.

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.

The regulation shall include

- (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 of receipt of the most recent account or from the most recent instalment due date, and the application may cover all the accounts issued or instalments 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;

(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.

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.

The regulation may also contain provisions which, when all or part of the account in dispute is maintained or when a reimbursement is granted, enable the council of arbitration to add interest and an indemnity, computed in accordance with articles 1618 and 1619 of the Civil Code, from the date of the application for conciliation.

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.

The member may not institute proceedings in respect of an account until the time allowed to apply for conciliation has expired. However, the member may institute proceedings before that time has expired, with the authorization of the person indicated by regulation of the board of directors, where there is a risk that recovery of the account will be imperilled unless proceedings are instituted.

1973, c. 43, s. 86; 1974, c. 65, s. 18; 1988, c. 29, s. 22; 1994, c. 40, s. 76; 2008, c. 11, s. 1, s. 57.

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 Unclaimed Property Act (chapter B-5.1), 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.

1973, c. 43, s. 87; 1974, c. 65, s. 19; 1988, c. 29, s. 23; 1990, c. 52, s. 2; 1994, c. 40, s. 77; 1997, c. 80, s. 56; 2000, c. 13, s. 18; 2008, c. 11, s. 1; 2008, c. 11, s. 58; 2011, c. 10, s. 69.

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. Section 114 applies to the inquiry, with the necessary modifications. 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.

2008, c. 11, s. 58.

90. The board of directors must determine, by regulation, the composition, the number of members and the procedure of the professional inspection committee of the order.

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 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.

1973, c. 43, s. 88; 1988, c. 29, s. 24; 1994, c. 40, s. 78; 2000, c. 13, s. 19; 2008, c. 11, s. 1, s. 59.

91. The board of directors must, by regulation, determine standards concerning the keeping, holding and maintenance by a professional in the practice of his profession of records, books, registers, medications, poisons, products, substances, apparatus and equipment as well as property entrusted to him by a client or another person.

It must also, in the regulation, determine the 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, and the rules, terms, conditions and formalities for the preservation, use, management, administration and provisional custody of property entrusted to him by a client or another person, applicable in the event of his death or his being struck off the roll or ceasing to practise, or in the event of his right to practise being restricted or suspended, his permit being revoked or his accepting an office which prevents him from completing the mandates that have been entrusted to him.

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.

1973, c. 43, s. 89; 1988, c. 29, s. 25; 1994, c. 40, s. 79; 2008, c. 11, s. 1, s. 60.

92. *(Repealed).*

1973, c. 43, s. 90; 1990, c. 76, s. 4.

93. The board of directors must, by regulation,

(a) fix the quorum for general meetings of the members of the order 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; the regulation may set a limit on the number of consecutive terms for which they may be appointed;

(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, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

(c.1) determine a procedure for recognizing an equivalence, standards for which are established in a regulation under paragraph *c* of this section or paragraph *i* of section 94, stipulating that a decision must be reviewed by persons other than those who made it;

(c.2) determine the terms and conditions for issuing a permit or a specialist's certificate that are required to give effect to an agreement entered into by the order under an agreement for mutual recognition of professional competence entered into between the Government and another government; the board of directors must also, in the regulation, stipulate that a decision refusing to recognize that one of those conditions, other than professional competence, has been fulfilled must be reviewed by persons other than those who made it;

(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 no longer is required to maintain security to cover his liability or 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;

(e) fix, in accordance with section 61, the number of directors of the board of directors;

(f) determine the location of the head office of the order;

(g) pursuant to paragraph 2 of section 187.11, impose on the members referred to therein, on the basis of the risk they represent, the obligation to furnish and maintain coverage, on behalf of the partnership or company, by means of an insurance or suretyship contract or by any other means determined by the regulation, against liabilities of the partnership or company arising from fault 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 regulation shall also determine the minimum amount of coverage and prescribe specific rules according to such factors as the nature of the professional activities carried on and the number of members of the order in the partnership or company; 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;

(h) fix the conditions and procedure applicable to a declaration pursuant to paragraph 3 of section 187.11.

1973, c. 43, s. 91; 1988, c. 29, s. 26; 1994, c. 40, s. 80; 2001, c. 34, s. 5; 2006, c. 20, s. 4; 2008, c. 11, s. 1, s. 61; 2009, c. 16, s. 3.

94. The board of directors may, by regulation:

(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;

(b) *(paragraph repealed)*;

(c) *(paragraph repealed)*;

(d) *(paragraph repealed)*;

(e) define the different classes of specialization within the profession and, where applicable, the conditions of practice;

(f) *(paragraph repealed)*;

(g) *(paragraph repealed)*;

(h) determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph *i*, and the terms and conditions on which such persons may engage in such activities; 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;

(i) determine the other terms and conditions for issuing permits or specialist's certificates, in particular the obligation to serve the periods of professional training and to pass the professional examinations it determines; the regulation may also fix standards of equivalence applicable to the terms and conditions determined therein; 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;

(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;

(k) *(paragraph repealed)*;

(l) *(paragraph repealed)*;

(m) determine categories of permits on the basis of the professional activities that the members may engage in or the titles they may use, and the conditions and restrictions to which members must submit when engaging in such activities or using such titles;

(n) determine what is acceptable in lieu of a document required for the purposes of section 42 or paragraph *i* of section 94 of this Code, and the conditions applicable;

(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;

(p) authorize the members of the order to carry on their professional activities within a limited liability partnership or a joint-stock company constituted for that purpose and, as appropriate, determine the applicable terms and conditions and restrictions. If the board of directors authorizes the members to carry on their professional activities within a joint-stock company, the regulation may, in particular,

(1) determine standards with regard to the name of the company;

(2) fix, according to whether or not the shares of the company are listed on a stock exchange, the proportion of voting shares that must be held by members of the order;

(3) fix, according to whether or not the shares of the company are listed on a stock exchange, the proportion or number of directors of the company who must be members of the order;

(4) determine, according to whether or not the shares of the company are listed on a stock exchange, conditions governing the transfer of shares, or shares of certain classes, and the exercise of the voting rights of a shareholder whose right to engage in professional activities has been restricted or suspended or who is no longer a member of the order, and, as appropriate, the applicable procedures and restrictions; and

(5) define, if applicable, the professions, trades, industries, businesses, offices or duties incompatible with the status of employee, shareholder or director of the company;

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

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

1973, c. 43, s. 92; 1974, c. 65, s. 92; 1975, c. 80, s. 9; 1977, c. 66, s. 9; 1983, c. 54, s. 23; 1987, c. 54, s. 35; 1988, c. 29, s. 27; 1994, c. 40, s. 81; 2000, c. 13, s. 20; 2001, c. 34, s. 6; 2002, c. 33, s. 5; 2006, c. 20, s. 5; 2008, c. 11, s. 1, s. 62.

94.1. The board of directors may, in a regulation that it is authorized to make under this Code or under an Act constituting the professional order, make compulsory a standard established by a government or body. It may provide that reference to such a standard includes any subsequent amendment made to it.

1994, c. 40, s. 82; 2008, c. 11, s. 1.

95. Subject to sections 95.0.1 and 95.2, every regulation made by the board of directors under this Code or an Act constituting a professional order 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.

1973, c. 43, s. 93; 1974, c. 65, s. 21; 1988, c. 29, s. 28; 1994, c. 40, s. 83; 2008, c. 11, s. 1, s. 63; 2009, c. 16, s. 4.

95.0.1. A regulation adopted by the board of directors under paragraph *c*, *c.1* or *c.2* of section 93 or paragraph *i*, *q* or *r* of section 94 shall be transmitted for examination to the Office, which may approve it with or without amendment.

Before approving a regulation referred to in the first paragraph, the Office must consult the ministers concerned, including the Minister responsible for the administration of legislation respecting the professions, the Minister of Education, Recreation and Sports or the Minister of Higher Education, Research, Science and Technology, the Minister of Employment and Social Solidarity, the Minister of Health and Social Services, the Minister of Immigration and Cultural Communities, the Minister of Economic Development, Innovation and Export Trade, and the Minister of International Relations or the Minister responsible for Canadian Intergovernmental Affairs and the Reform of Democratic Institutions, as the case may be.

2009, c. 16, s. 5; 2013, c. 28, s. 203.

95.1. (*Repealed*).

1994, c. 40, s. 84; 2008, c. 11, s. 64.

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* or paragraph 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.

Section 8 of the Regulations Act (chapter R-18.1) does not apply to a regulation referred to in the first paragraph.

Where the Office has not approved a regulation transmitted to it under the first paragraph within 90 days of receipt, it must, at the end of that period, inform the board of directors, in writing, that the regulation has not been approved and report to it on the progress of the examination. Until the regulation has been approved, the Office must, every 60 days after the expiry of the 90-day period, inform the board of directors in writing that the regulation has not been approved and report to it on the progress of the examination.

1994, c. 40, s. 84; 2000, c. 13, s. 21; 2001, c. 34, s. 7; 2008, c. 11, s. 1, s. 65.

95.3. No regulation may be adopted by the board of directors under section 87, 88, 89, 90 or 91, paragraph *d* or *g* of section 93 or paragraph *j, o* or *p* of section 94 unless the secretary of the order has sent a draft of it to every member of the order at least 30 days before its adoption by the board of directors.

1994, c. 40, s. 84; 2000, c. 13, s. 22; 2001, c. 34, s. 8; 2008, c. 11, s. 1.

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.

1994, c. 40, s. 84; 2008, c. 11, s. 66.

§ 2. — *Executive committee*

2008, c. 11, s. 1.

96. An executive committee may be established within a professional order.

1973, c. 43, s. 94; 1988, c. 29, s. 29; 1994, c. 40, s. 85; 2008, c. 11, s. 67; 2014, c. 13, s. 23.

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.

2008, c. 11, s. 67.

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 chair 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.

1973, c. 43, s. 95; 1974, c. 65, s. 22, s. 109; 1975, c. 80, s. 10; 1994, c. 40, s. 86; 2008, c. 11, s. 68, s. 213.

98. The members of the executive committee shall remain in office until replaced by their successors.

1973, c. 43, s. 96; 2008, c. 11, s. 1.

99. Any vacancy occurring in the executive committee shall be filled according to the mode of appointment provided for the member to be replaced.

When a member of the executive committee fails to attend three consecutive sittings or fails to express his opinion through a means of communication and subject to the conditions determined by the board of directors under paragraph 3 of section 62.1 without a reason considered valid by the committee, he is deemed to have resigned from such office and shall be replaced in the same manner as if his office was vacant.

1973, c. 43, s. 97; 1988, c. 29, s. 30; 2008, c. 11, s. 1, s. 69.

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.

In the case of a tie vote, the chair has a casting vote.

1973, c. 43, s. 98; 1988, c. 29, s. 31; 1994, c. 40, s. 87; 2008, c. 11, s. 70, s. 213.

101. (*Repealed*).

1973, c. 43, s. 99; 1994, c. 40, s. 88; 2008, c. 11, s. 71.

§ 3. — *General Meetings*

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

Directors who are not members of the order shall be called to such meeting in the same manner; they shall have the right to speak but not to vote.

1973, c. 43, s. 100; 1988, c. 29, s. 32; 1994, c. 40, s. 89.

103. The annual general meeting of the members of an order shall be held within eight months after the end of the fiscal year of such order.

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

1973, c. 43, s. 101; 1988, c. 29, s. 33; 1994, c. 40, s. 90; 2008, c. 11, s. 72.

104. During the annual general meeting, the members of the order shall elect the auditors responsible for auditing its books and accounts and the president of the order shall submit a report of the activities of the board of directors and the financial statement of the order. Such report must comply with the standards prescribed by regulation of the Office under paragraph *b* of subparagraph 6 of the third paragraph of section 12 and it shall in particular mention the number of permits of each category issued during the preceding fiscal year.

Such report is public upon its submission at the general meeting of the members of the order. It shall then be sent to the Office and to the Minister who shall lay it before the National Assembly within thirty days after it is received if the National Assembly is in session or, if it is not, within ten days after resumption.

1973, c. 43, s. 102; 1974, c. 65, s. 109; 1994, c. 40, s. 91; 2008, c. 11, s. 1, s. 73.

105. The quorum for a general meeting of the members of an order is fixed by regulation of the board of directors in accordance with paragraph *a* of section 93.

1973, c. 43, s. 103; 1988, c. 29, s. 34; 1994, c. 40, s. 92; 2008, c. 11, s. 1.

106. A special general meeting of the members of an order shall be held at the request of the president of the order, at the request of the board of directors or at the written request of the number of members required to constitute a quorum at such meeting. Such request shall be addressed to the secretary, who must then call the meeting in accordance with section 102 at least five days before the date fixed for the meeting.

1973, c. 43, s. 104; 1994, c. 40, s. 93; 2008, c. 11, s. 1.

§ 4. — *Fiscal provisions*

107. The books and accounts of an order shall be audited each year and whenever the Government so orders.

1973, c. 43, s. 105; 1994, c. 40, s. 94.

108. The fiscal year of an order shall end on 31 March.

1973, c. 43, s. 106; 1994, c. 40, s. 95.

DIVISION V.1

ACCESS TO DOCUMENTS AND PROTECTION OF PERSONAL INFORMATION

2006, c. 22, s. 152.

108.1. The Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), except sections 8, 28, 29, 32, 37 to 39, 57, 76 and 86.1 of that Act, applies to documents held by a professional order for the purpose of supervising the practice of the profession in the same way as it applies to documents held by a public body.

It applies in particular to documents concerning professional training, admission, the issue of permits, specialist's certificates or special authorizations, discipline, conciliation and arbitration of accounts, the supervision of the practice of the profession and the use of a title, professional inspection and indemnification, as well as to documents concerning the adoption of standards relating to those matters.

2006, c. 22, s. 152.

108.2. The Act respecting the protection of personal information in the private sector (chapter P-39.1) applies to personal information held by a professional order, other than information held for the purpose of supervising the practice of the profession, in the same way as it applies to personal information held by a person carrying on an enterprise.

2006, c. 22, s. 152.

108.3. A professional order may refuse to release the following documents or information held for the purpose of supervising the practice of the profession:

(1) an opinion, recommendation or analysis made as part of an ongoing decision-making process of the order, another order or the Office, until such time as a decision has been made on the opinion, recommendation or analysis, or if no decision is made, until five years have elapsed since the date the opinion, recommendation or analysis was made;

(2) information whose disclosure could hamper an audit or inspection by a person or committee mentioned in subparagraph 1 of the first paragraph of section 192 or reveal a method of investigation, auditing or inspection; and

(3) an opinion, recommendation or analysis, including information allowing the author to be identified, whose disclosure could affect the outcome of judicial proceedings.

Similarly, a professional order may refuse to release or confirm the existence of information or a document whose disclosure could reveal details of an investigation or affect a future or current investigation or an investigation that may be reopened.

Information that allows a company or partnership referred to in Chapter VI.3 or another group of professionals to be identified and that is held by a person or committee referred to in subparagraph 1 of the first paragraph of section 192 in connection with an investigation, audit or inspection, is confidential unless its disclosure is otherwise authorized.

2006, c. 22, s. 152.

108.4. A professional order must refuse to release or confirm the existence of information whose disclosure could

(1) reveal the substance of the deliberations of a person, committee or disciplinary proceeding of the order that is to settle disputes or disagreements under the Act;

- (2) reveal a confidential source of information;
- (3) endanger the safety of a person;
- (4) cause prejudice to the person who is the source or the subject of the information; or
- (5) prejudice the fair hearing of a person's case.

2006, c. 22, s. 152.

108.5. The president of an order shall perform the duties conferred by the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) on the person in charge of access to documents or the protection of personal information. The president is also responsible for requests for access and correction made under this division and under the Act respecting the protection of personal information in the private sector (chapter P-39.1). However, the syndic shall perform the duties mentioned in this paragraph with respect to the documents and information the syndic obtains or holds and those the syndic releases within the order.

The president may designate the secretary of the order or a member of the management staff as the person responsible, and delegate all or part of the president's duties to that person.

The president must send a notice of the delegation to the Commission d'accès à l'information.

2006, c. 22, s. 152.

108.6. The following is public information:

(1) the name, title and duties of the president, vice-president, secretary and assistant secretary, a syndic, and the secretary of the disciplinary council and members of the personnel of an order;

(2) the name, title and duties of the directors of the board of directors and, where applicable, their field of practice and the region they represent;

(3) the name, title and duties of the members of the executive committee, the disciplinary council, the professional inspection committee and the review committee, as well as of the person responsible for professional inspection;

(4) the name of the scrutineers designated by the board of directors under section 74;

(5) the name, title and duties of a conciliator, of the members of a committee of inquiry or indemnification committee and of the members of the council of arbitration of accounts;

(6) the name, title and duties of the directors and officers of the regional divisions, if any; and

(7) the name, title and duties of the representative of the order on the Interprofessional Council.

2006, c. 22, s. 152; 2008, c. 11, s. 1, s. 74.

108.7. The information contained in the following documents of an order is also public information:

(1) a resolution striking a member off the roll or limiting or suspending the member's right to engage in professional activities, except any medical information or information concerning a third person that it may contain;

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

(4) the hearing roll of a disciplinary council; and

(5) the record of a disciplinary council, from the date on which the hearing is held, subject to any order banning disclosure, access to or the publication or release of information or documents issued by the disciplinary council or the Professions Tribunal under section 142 or 173.

The name of a member against whom a complaint has been made and the subject of the complaint is also public information as of service of the complaint by the secretary of the disciplinary council.

2006, c. 22, s. 152; 2008, c. 11, s. 1, s. 75.

108.8. The following is also public information:

(1) the information referred to in sections 46.1 and 46.2;

(2) the information concerning the places, other than his professional domicile, where a member practises his profession; and

(3) the following information concerning a person who, pursuant to a regulation under paragraph *h* of section 94 or under an Act constituting a professional order, carries on professional activities as part of a period of professional training determined pursuant to a regulation under paragraph *i* of section 94 or as part of a program of study leading to a diploma giving access to a permit or a specialist's certificate:

(a) the person's name;

(b) the person's sex;

(c) information concerning the place where the person carries on professional activities;

(d) the professional activities the person is authorized to carry on;

(e) the dates on which the person starts and ceases to carry on professional activities; and

(f) any penalties imposed on the person by the board of directors pursuant to a regulation under paragraph *i* of section 94.

However, a request for access to such information must concern a specific person, except where a request pertains to information that is necessary for the application of an Act.

2006, c. 22, s. 152; 2009, c. 35, s. 7.

108.9. A person who requests it may have access to the following documents:

(1) the annual report of the professional liability insurance fund, including the audited financial statements, as of the date of their transmission to the board of directors;

(2) the professional liability group insurance plan contract entered into by an order in accordance with the requirements determined in a regulation referred to in paragraph *d* or *g* of section 93, including any riders, and, for the other types of contracts provided for in those paragraphs, the declaration or statement of a member of an order, or of a company or partnership referred to in Chapter VI.3, to the effect that they are covered by security consistent with the requirements determined in such a regulation or that they have been excluded or exempted, including any information relating to the nature of the exclusion or exemption; and

(3) any portion of the minutes of the annual general meeting or of a special general meeting of the members of an order or of a division concerning the supervision of the practice of the profession.

2006, c. 22, s. 152; 2008, c. 11, s. 1.

108.10. A professional order may, without the consent of the person concerned, release personal information it holds on that person, or information it holds on a company or partnership referred to in Chapter VI.3, or on another group of professionals:

(1) to a person or committee referred to in section 192 or to the Professions Tribunal when it is necessary for the exercise of their functions;

(2) to another professional order to which this Code applies or to a body exercising similar or complementary functions for the protection of the public, when the release is necessary for an investigation or inspection or the issue of a permit;

(3) to the Office for the exercise of its functions; and

(4) to any other person by way of a press release, a notice or by any other means, when the information relates to professional activities or other similar activities of the person concerned that could endanger the life, health or safety of others.

2006, c. 22, s. 152.

108.11. The Commission d'accès à l'information is responsible for overseeing the application of this division.

2006, c. 22, s. 152.

DIVISION VI

PROFESSIONAL INSPECTION

109. A professional inspection committee is established within each order.

Such committee shall consist of not less than three members appointed by the board of directors which shall designate a chair from among them.

Three members, or such greater number as the board of directors may fix by regulation, including the chair, shall be a quorum of the committee. If there is a sufficient number of members on the committee, it may sit in divisions of three members, including the chair or another member of the committee designated by the chair to act as chair of a division.

1973, c. 43, s. 107; 1975, c. 80, s. 11; 1994, c. 40, s. 96; 2008, c. 11, s. 1, s. 213.

110. When a member of the committee is absent or unable to act, he may be replaced by a person appointed to perform his duties.

1973, c. 43, s. 108; 1994, c. 40, s. 97; 1999, c. 40, s. 58.

111. Each member of the committee, inspector or expert shall take the oath contained in Schedule II. The same requirement applies to a person appointed as the person responsible for professional inspections pursuant to section 90. 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.

1973, c. 43, s. 109; 1974, c. 65, s. 23; 1994, c. 40, s. 98; 1999, c. 40, s. 58; 2000, c. 13, s. 23; 2008, c. 11, s. 76.

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 by the committee as may be 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.

1973, c. 43, s. 110; 1974, c. 65, s. 24; 1988, c. 29, s. 35; 1994, c. 40, s. 99; 2008, c. 11, s. 77; 2009, c. 35, s. 8.

113. The professional inspection committee may, for the reason it indicates, recommend to the board of directors of an order that it require a member of the order to successfully complete a period of refresher training or a refresher course, or require the member to do both, 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.

1973, c. 43, s. 111; 1988, c. 29, s. 36; 1994, c. 40, s. 100; 2000, c. 13, s. 24; 2008, c. 11, s. 1, s. 78.

114. It is forbidden to hinder in any way a member of the committee, the person responsible for professional inspection appointed pursuant to section 90, an inspector or an expert, in the performance of the duties conferred upon him by this Code, to mislead him by concealment or false declarations, refuse to furnish him with any information or document relating to an inspection carried out by him under this Code or to refuse to let him take copy of such a document.

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.

1973, c. 43, s. 112; 1974, c. 65, s. 25; 1994, c. 40, s. 101; 2000, c. 13, s. 25; 2008, c. 11, s. 79.

115. The professional inspection committee shall report annually to the board of directors on its activities.

1973, c. 43, s. 113; 2008, c. 11, s. 1, s. 80.

DIVISION VII

DISCIPLINE, APPEAL AND PUBLICATION OF DECISIONS

1988, c. 29, s. 37.

§ 1. — *Bureau des présidents des conseils de discipline*

1994, c. 40, s. 102; 2008, c. 11, s. 1; 2013, c. 12, s. 3.

115.1. A bureau of disciplinary council chairs, known as the Bureau des présidents des conseils de discipline, is constituted within the Office.

The Bureau is to consist of not more than 20 disciplinary council chairs, including a senior chair and a deputy senior chair.

2013, c. 12, s. 3.

115.2. The chairs are appointed by the Government for a fixed term of not more than five years from among the persons declared qualified in accordance with the selection procedure the Government determines by regulation. The chairs exercise their functions on a full-time basis.

The selection procedure does not apply to a chair whose term is renewed.

2013, c. 12, s. 3.

115.3. Only an advocate who has at least 10 years of practice and possesses relevant legal experience may be the chair of a disciplinary council.

2013, c. 12, s. 3.

115.4. A senior chair and a deputy senior chair are designated by the Government from among the chairs.

2013, c. 12, s. 3.

115.5. The selection procedure for chairs

- (1) sets out the procedure for running for office;
- (2) provides for the establishment of a selection committee to assess the qualifications of candidates and provide an advisory opinion on them; and
- (3) identifies the selection criteria that the committee is to take into account.

The members of a selection committee are not remunerated, except in the cases, on the conditions and to the extent determined by the Government. However, they are entitled to the reimbursement of any expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

2013, c. 12, s. 3.

115.6. The Government shall determine the remuneration, employee benefits and other conditions of employment of the chairs, the senior chair and the deputy senior chair.

2013, c. 12, s. 3.

115.7. The senior chair is responsible for the administration and overall management of the Bureau. The functions of the senior chair include

- (1) fostering the participation of the disciplinary council chairs in the formulation of guiding principles with a view to maintaining a high level of quality and coherence in decisions;
- (2) taking measures to promote the expeditious nature of complaint processing and the decision-making process;
- (3) consulting the professional orders to assess their particular needs;
- (4) coordinating and assigning the work of the chairs, who, in that respect, must comply with the senior chair's orders and directives;
- (5) seeing that the chairs observe standards of ethical conduct;
- (6) promoting the professional development of the chairs as regards the exercise of their functions, and
- (7) periodically evaluating the knowledge and the skills of the chairs in the exercise of their functions, and their contribution to achieving the objectives set out in this division.

2013, c. 12, s. 3.

115.8. Every year the senior chair shall present to the Minister a plan setting out management objectives to ensure the quality and expeditious nature of complaint processing and the decision-making process and stating the results achieved in the preceding year.

In addition to the information requested by the Minister, the plan must include the following information, which the senior chair compiles for each disciplinary council on a monthly basis:

- (1) the number of days on which hearings were held and the average number of hours devoted to them;
- (2) the number of postponements granted;
- (3) the nature of the complaints for which a management conference was held, and the number of such complaints;
- (4) the nature of the complaints and requests heard, their number and the places and dates of the hearings;
- (5) the nature of the complaints and requests taken under advisement, their number and the time devoted to advisement;
- (6) the nature and the number of decisions rendered;
- (7) the nature and the number of decisions appealed; and
- (8) the time devoted to the proceedings, from the date of receipt of the complaint or request until the beginning of the hearing or the rendering of the decision on the conviction and, if applicable, the penalty.

2013, c. 12, s. 3.

115.9. The senior chair may make recommendations to the Minister to improve complaint processing and the decision-making process.

2013, c. 12, s. 3.

115.10. The deputy senior chair shall exercise the functions of the senior chair if the latter is absent or unable to act.

2013, c. 12, s. 3.

§ 1.1. — *Disciplinary councils*

2013, c. 12, s. 3.

116. A disciplinary council is constituted within each order.

The disciplinary council shall be seized of every complaint made against a professional for an offence against this Code, the Act constituting the order of which he is a member or the regulations made under this Code or that Act.

The disciplinary council shall also be seized of every complaint made against a former member of an order for an offence referred to in the second paragraph that was committed while he was a member of the order. In such a case, every reference to a professional or a member of the order in the provisions of this Code, the Act constituting the order of which he was a member or a regulation under this Code or the said Act shall be a reference to the former member.

A complaint made against a person who exercises a function under this Code or under an Act constituting an order, including a syndic, the senior chair, the deputy senior chair or a member of a disciplinary council, by reason of acts engaged in in the exercise of that function is inadmissible.

1973, c. 43, s. 114; 1994, c. 40, s. 103; 2007, c. 35, s. 17; 2008, c. 11, s. 1; 2013, c. 12, s. 4.

117. The members of a disciplinary council other than the chair are appointed by the board of directors of the order from among the order's members. The board of directors shall fix the duration of their term, which must be at least three years.

1973, c. 43, s. 115; 1977, c. 5, s. 229; 1994, c. 40, s. 104; 2008, c. 11, s. 1, s. 81, s. 213; 2013, c. 12, s. 5.

117.1. The Government shall set the travel and lodging expenses of the disciplinary council members appointed by the board of directors of the order. The expenses are borne by the order.

2013, c. 12, s. 5.

117.2. The Government, after consulting with the Bureau and the Québec Interprofessional Council, shall establish, by regulation, a code of ethics applicable to members of the disciplinary councils.

2013, c. 12, s. 5.

117.3. The code of ethics sets out the rules of conduct of disciplinary council members and their duties towards the public, the parties, the parties' witnesses and the persons representing the parties. It defines, in particular, conduct that is derogatory to the honour, dignity or integrity of a member of a disciplinary council. In addition, the code of ethics may determine the activities or situations that are incompatible with the office held by the members of a disciplinary council, the obligations of those members concerning the disclosure of interests, and the functions the members may exercise free of charge.

The code of ethics may include special rules governing disciplinary council members other than the chair.

2013, c. 12, s. 5.

118. (*Repealed*).

1973, c. 43, s. 116; 1994, c. 40, s. 105; 2008, c. 11, s. 82, s. 213; 2009, c. 35, s. 9; 2013, c. 12, s. 6.

118.1. (*Repealed*).

1994, c. 40, s. 105; 2008, c. 11, s. 213; 2013, c. 12, s. 6.

118.2. On the expiry of their terms, the members of the disciplinary council shall remain in office until reappointed or replaced by the Government or the board of directors, as the case may be.

1994, c. 40, s. 105; 2008, c. 11, s. 1.

118.3. Where, being unable to act, a member is unable to continue with a hearing, whether it be the conviction hearing or the penalty hearing, the two remaining members, provided one is the chair, may validly proceed with the hearing and render a decision on the conviction and the penalty.

1996, c. 65, s. 1; 2008, c. 11, s. 1, s. 83; 2009, c. 35, s. 10; 2013, c. 12, s. 8.

118.4. Where a member is replaced in accordance with section 118.2, the two remaining members, provided one is the chair, may proceed with the hearing and validly render a decision on the conviction and the penalty.

A chair who has been replaced may continue to hear a complaint, no matter what stage of the hearing has been reached, with the authorization of and for the length of time determined by the senior chair.

Where the decision is not rendered within the time determined by the senior chair, the latter may, on the senior chair's initiative or at the request of one of the parties, extend the time limit or withdraw the matter from the chair. The request must be filed with the secretary of the disciplinary council concerned. It must be served in accordance with the Code of Civil Procedure (chapter C-25.01) on the senior chair and the council members who are seized of the complaint, and on the parties. Before extending the time limit or withdrawing the matter from the chair, the senior chair must take the circumstances and the interest of the parties into account.

2013, c. 12, s. 8; I.N. 2016-01-01 (NCCP).

118.5. Where the chair is dismissed, where a matter is withdrawn from the chair, where the chair is unable to act, or where the chair's term of office has expired and the chair decides not to proceed with a hearing, the senior chair must designate a new chair as soon as possible to hear the complaint, no matter what stage of the hearing has been reached.

Where a new chair is designated before the decision on the conviction is rendered, the disciplinary council may, with the consent of the parties, continue the proceeding and rely on the evidence already filed.

Where the chair is designated after the decision on the conviction is rendered, the disciplinary council continues the proceeding at the stage of the penalty hearing. The penalty hearing is governed by the same rules for evidence already filed as those set out in the second paragraph.

Where the decision on the conviction or the penalty was handed down at the hearing but not recorded in writing before a new disciplinary council chair was designated in accordance with the first paragraph, the senior chair, together with at least one other disciplinary council member, may sign the minutes of the proceeding. The decision is presumed to be in compliance with section 154 in such a case.

2013, c. 12, s. 8.

118.6. Interlocutory decisions rendered before continuance of suit remain valid.

2013, c. 12, s. 8.

119. (*Repealed*).

1973, c. 43, s. 117; 1994, c. 40, s. 106; 1999, c. 40, s. 58; 2002, c. 32, s. 1; 2008, c. 11, s. 1, s. 84, s. 213; 2013, c. 12, s. 9.

120. The board of directors of every order shall appoint the secretary of the disciplinary council of the order.

Where the secretary is absent or unable to act, the board of directors appoints a replacement for as long as the secretary is absent or unable to act.

1973, c. 43, s. 118; 1994, c. 40, s. 106; 1999, c. 40, s. 58; 2008, c. 11, s. 1; 2013, c. 12, s. 10.

120.1. As part of his duties, the secretary shall see to the preparation and keeping of the records of the disciplinary council and ensure that access to them is available in accordance with section 120.2. He shall keep a hearing roll and ensure that access to it is available in accordance with the said section.

1994, c. 40, s. 106; 2008, c. 11, s. 1.

120.2. Access to the hearing roll may be had at the head office of the order and the hearing roll must be posted by the secretary of the disciplinary council not less than 10 days before the date set for the hearing.

Access to the roll and to the record may be had by obtaining a copy or through consultation on the premises during the order's regular office hours. However, a record may be consulted only in the presence of the secretary or a person designated by him.

1994, c. 40, s. 106; 2006, c. 22, s. 153; 2008, c. 11, s. 1.

120.3. (*Repealed*).

1994, c. 40, s. 106; 2006, c. 22, s. 154.

§ 1.2. — *Syndics*

2013, c. 12, s. 11.

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.

1973, c. 43, s. 119; 1994, c. 40, s. 107; 2008, c. 11, s. 85.

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.

2008, c. 11, s. 85.

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.

2008, c. 11, s. 85.

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.

2008, c. 11, s. 85.

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.

Section 114 shall apply to every inquiry held under this section.

1973, c. 43, s. 120; 1994, c. 40, s. 108; 2008, c. 11, s. 86.

122.1. A syndic shall inform the professional inspection committee if he has reasonable grounds to believe that a professional's practice of the profession or professional competence should be the subject of an inspection under section 112.

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.

1994, c. 40, s. 109; 2008, c. 11, s. 87.

122.2. The person who requests the holding of an inquiry may be assisted by another person at any stage of an inquiry held pursuant to section 122, in particular as regards the request for the holding of an inquiry and during the procedure described in sections 123 to 123.8, and at any stage in the processing of a complaint lodged with the disciplinary council as a result of such an inquiry.

1994, c. 40, s. 109; 2008, c. 11, s. 1, s. 88.

123. A syndic shall inform any person who requested the holding of an inquiry, in writing, of his decision to lodge or not to lodge a complaint with the disciplinary council as a result of the request, or of his decision to forward the request to the professional inspection committee.

Where the syndic decides not to lodge such a complaint, he must, at the same time, provide the person with a written explanation of the reasons for his decision and inform him of the possibility of requesting an opinion from the review committee.

Where the syndic or assistant syndic forwards the request to the professional inspection committee, he must also, at the same time, provide the person with a written explanation of the reasons for his decision.

1975, c. 80, s. 12; 1988, c. 29, s. 38; 1994, c. 40, s. 110; 2008, c. 11, s. 1, s. 89.

123.1. Where a syndic has not completed his inquiry within 90 days of receipt of the request for the holding of an inquiry, he must, at the end of that period, inform the person who requested the holding of an inquiry, in writing, that the inquiry has not been completed and report to him on the progress of the inquiry. Until the inquiry has been completed, a syndic must, every 60 days after the expiry of the 90-day period, inform the person who requested the holding of the inquiry, in writing, that the inquiry has not been completed and report to him on the progress of the inquiry.

1994, c. 40, s. 110; 2008, c. 11, s. 90.

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.

1994, c. 40, s. 110; 2008, c. 11, s. 91.

§ 1.3. — *Review committees*

2013, c. 12, s. 12.

123.3. A review committee shall be established within every order.

The function of the committee is to give, on request, to a person who requested the holding of an inquiry, its opinion regarding any decision of a syndic not to lodge a complaint.

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

At least one of the persons appointed by the board of directors shall be chosen from among the directors appointed by the Office under section 78 or from among the persons whose names appear on a list that may be compiled by the Office for that purpose. A person appointed in accordance with this paragraph shall be entitled, to the extent and on the conditions determined by the Government, to an attendance allowance and the reimbursement of reasonable expenses incurred by the person in the exercise of the function of committee member. The allowance and the reimbursement shall be payable by the Office.

There shall be three persons at the sittings of the committee, including at least one chosen in accordance with the fourth paragraph.

Where the number of persons so permits, the committee may sit in divisions of three persons, including at least one chosen in accordance with the fourth paragraph.

1994, c. 40, s. 110; 1995, c. 50, s. 5; 2000, c. 13, s. 26; 2008, c. 11, s. 1, s. 92, s. 213.

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 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.

1994, c. 40, s. 110; 2008, c. 11, s. 93.

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.

1994, c. 40, s. 110; 2008, c. 11, s. 93.

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.

1994, c. 40, s. 110; 2000, c. 13, s. 27; 2008, c. 11, s. 93.

123.7. Any settlement resulting from conciliation must be recorded in writing, approved by the syndic who acted as conciliator and signed by the person who requested the holding of an inquiry and by the professional. The request for the holding of an inquiry is deemed to have been withdrawn once the settlement is completed.

1994, c. 40, s. 110; 2000, c. 13, s. 28; 2008, c. 11, s. 94.

123.8. The answers or statements given or made by the person who requested the holding of the inquiry or by the professional during a conciliation attempt may not be used or admitted as proof against the professional in adjudicative proceedings, except in the case of a hearing before the disciplinary council in relation to an allegation that, with the intention to mislead, the professional gave an answer or made a statement he knew to be false.

1994, c. 40, s. 110; 2008, c. 11, s. 1, s. 95.

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 121.2 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.

1973, c. 43, s. 121; 1994, c. 40, s. 111; 1999, c. 40, s. 58; 2008, c. 11, s. 96.

125. *(Repealed).*

1973, c. 43, s. 122; 1988, c. 29, s. 39; 1994, c. 40, s. 112; 1995, c. 50, s. 6; 2008, c. 11, s. 1, s. 213; 2013, c. 12, s. 13.

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.

1994, c. 40, s. 113; 2008, c. 11, s. 97.

§ 2. — *Institution of complaints*

126. Every complaint lodged against a professional shall be received by the secretary of the disciplinary council, who must send a copy to the senior chair as soon as possible.

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

1973, c. 43, s. 123; 2008, c. 11, s. 1, s. 98; 2013, c. 12, s. 14.

127. The complaint must be made in writing and supported by the oath of the complainant.

The secretary of the disciplinary council may not refuse to receive a complaint on the sole ground that it was not made using the form proposed pursuant to subparagraph 9 of the third paragraph of section 12.

1973, c. 43, s. 124; 1994, c. 40, s. 114; 1999, c. 40, s. 58; 2008, c. 11, s. 1, s. 151.

128. A syndic must, at the request of the board of directors, lodge any complaint against a professional which appears to be justified; he may also, on his own initiative, act in this regard.

A complaint may also be lodged by any other person. Such a person may not be prosecuted by reason of acts engaged in good faith in the exercise of that power.

1973, c. 43, s. 125; 1994, c. 40, s. 115; 2008, c. 11, s. 1, s. 99.

129. The complaint must state summarily the nature, time and place of the offence with which the professional is charged.

1973, c. 43, s. 126.

130. The complaint may demand the immediate provisional striking off the roll of the respondent or the immediate provisional restriction of the respondent's right to engage in professional activities

(1) where the respondent is charged with having engaged in a derogatory act referred to in section 59.1 or 59.1.1;

(2) where the respondent is charged with having appropriated, without entitlement, sums of money or securities held by him on behalf of a client or with having used sums of money or securities for purposes other than those for which they were entrusted to him in the practice of his profession;

(3) where the respondent is charged with having committed an offence of such a nature that the protection of the public could be compromised if the professional were to continue to practise his profession;

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

1973, c. 43, s. 127; 1994, c. 40, s. 116; 2004, c. 15, s. 4; 2008, c. 11, s. 100; 2013, c. 12, s. 15.

131. Where a provision of subdivisions 2, 3 and 4 of this division prescribes that service may be made in accordance with the Code of Civil Procedure (chapter C-25.01), the powers provided in articles 112, 120, 123 and 135 of the said Code shall be exercised by the chair of the disciplinary council.

1975, c. 80, s. 13; 1994, c. 40, s. 117; 2008, c. 11, s. 1, s. 213; 2013, c. 12, s. 16; I.N. 2016-01-01 (NCCP).

132. The secretary of the disciplinary council shall have the complaint served in the manner provided in the Code of Civil Procedure (chapter C-25.01) upon the professional against whom it is lodged.

1973, c. 43, s. 128; 2008, c. 11, s. 1; I.N. 2016-01-01 (NCCP).

132.1. Complaints whose subject matter could suitably be combined, whether or not the same parties are involved, may be joined by order of the senior chair or the deputy senior chair, on the conditions they fix. The senior chair or the deputy senior chair may not, however, join complaints for which the disciplinary councils of different professional orders are responsible.

An order made under the first paragraph may be revoked by the chair designated to hear the complaints if the chair believes that the interests of justice will be better served as a result. The chair's decision cannot be appealed.

2013, c. 12, s. 17.

133. The secretary of the disciplinary council must send a copy of the request for provisional striking off the roll or immediate provisional restriction of the right to engage in professional activities to the senior chair as soon as possible. The request 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-25.01) at least two clear working days before the beginning of the hearing. The hearing must begin not later than 10 days after service of the complaint.

Following the hearing, the disciplinary council may make an order imposing provisional striking off the roll or provisional restriction of the right to engage in professional activities against the respondent if it considers that the protection of the public requires it.

The order imposing provisional striking off the roll or provisional restriction of the right to engage in professional activities becomes enforceable on being served on the respondent by the secretary of the disciplinary council in accordance with the Code of Civil Procedure. However, where the order is rendered in the presence of one of the parties, it is deemed to have been served on that party on being so rendered; the secretary shall indicate in the minutes the presence or absence of the parties when the council renders the order.

The order imposing provisional striking off the roll or provisional restriction of the right to engage in professional activities remains in force until the decision of the disciplinary council dismissing the complaint or imposing a penalty, as the case may be, is served, unless the council decides otherwise. However, where the council imposes a penalty under subparagraph *b* or *e* of the first paragraph of section 156, the order imposing provisional striking off the roll or provisional restriction of the right to engage in professional activities remains in force until the decision imposing such a penalty becomes enforceable in accordance with section 158 or, where an appeal from the decision to allow the complaint or impose such a penalty is lodged, until the final decision of the Professions Tribunal becomes enforceable in accordance with the third paragraph of section 177, unless the tribunal decides otherwise.

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.

A notice shall include the name of the respondent, the place of his professional domicile, the name of the order of which he is a member, his specialty, if any, the date and nature of the facts with which he is charged and the date and a summary of the decision.

A decision of the disciplinary council ordering the respondent or the order, or both, to pay the expenses referred to in the fifth paragraph may, if payment is not made voluntarily, be homologated by the Court of Québec, and the decision becomes enforceable in the same manner as any judgment of that court.

1975, c. 80, s. 14; 1994, c. 40, s. 118; 2004, c. 15, s. 5; 2008, c. 11, s. 1, s. 101, s. 151; 2009, c. 35, s. 11; 2013, c. 12, s. 18; I.N. 2016-01-01 (NCCP).

134. The professional contemplated in the complaint shall appear in writing, either personally or through an advocate, at the head office of the order, within ten days of the service.

The written appearance may state that the professional acknowledges or denies the fault he is alleged to have committed; a professional whose written appearance contains no such statement is presumed not to have acknowledged any fault.

A written contestation may be enclosed with the written appearance or filed within 10 days.

1973, c. 43, s. 129; 1975, c. 80, s. 15; 1994, c. 40, s. 119; 2008, c. 11, s. 102; 2009, c. 35, s. 12.

135. Any party or witness summoned before the disciplinary council is entitled to be assisted or represented by an advocate.

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.

1973, c. 43, s. 130; 1986, c. 95, s. 70; 2008, c. 11, s. 1, s. 103.

136. (*Repealed*).

1973, c. 43, s. 131; 1994, c. 40, s. 120.

§ 3. — *Trial of complaints*

137. A disciplinary council may sit at any place in Québec.

1973, c. 43, s. 132; 2008, c. 11, s. 1.

138. A disciplinary council shall sit in divisions, each division consisting of three members, including the chair designated by the senior chair. The secretary of the disciplinary council shall, as soon as possible, choose from among the council members appointed by the board of directors the other two members who are to sit with the chair.

In assigning work to the chairs, the senior chair may take into account their specific knowledge and experience, the number of complaints referred to them and the special needs of certain professional orders.

1973, c. 43, s. 133; 1977, c. 5, s. 229; 1994, c. 40, s. 121; 1995, c. 50, s. 7; 2008, c. 11, s. 1, s. 104, s. 213; 2013, c. 12, s. 19.

139. The senior chair, in collaboration with the chair and 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.

A notice of not less than three clear days of the date and place of the hearing must be given to the respondent and to his attorney, if any, by the secretary of the disciplinary council. Such notice shall be served in accordance with the Code of Civil Procedure (chapter C-25.01).

1973, c. 43, s. 134; 1975, c. 80, s. 16; 1986, c. 95, s. 71; 1994, c. 40, s. 122; 2008, c. 11, s. 1, s. 105; 2013, c. 12, s. 20; I.N. 2016-01-01 (NCCP).

139.1. The disciplinary council chair or, if the latter has not yet been designated, the senior chair may adjourn a hearing if the circumstances so warrant, on the conditions the chair determines.

2015, c. 26, s. 22.

140. A member of the disciplinary council may be recused in the cases provided for in article 202 of the Code of Civil Procedure (chapter C-25.01), except paragraph 5 of the said article.

Articles 201 to 205 of the said Code apply with the necessary modifications to such recusation.

1973, c. 43, s. 135; 2008, c. 11, s. 1; I.N. 2016-01-01 (NCCP).

141. The hearing shall be recorded, unless all the parties dispense with recording.

1973, c. 43, s. 136; 1994, c. 40, s. 123.

142. Every hearing shall be public.

Notwithstanding the first paragraph, the disciplinary council may, of its own initiative or upon request, order that a hearing be held *in camera* or ban the disclosure, publication or release of any information or document it indicates, in the general interest or in the interest of public order, in particular to preserve professional secrecy or to protect a person's privacy or reputation.

Every person who, by performing or omitting to perform an act, infringes an order to hold a hearing *in camera* or an order banning disclosure, publication or release is guilty of contempt of court.

1973, c. 43, s. 137; 1986, c. 95, s. 72; 1994, c. 40, s. 124; 2008, c. 11, s. 1, s. 106.

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.

1973, c. 43, s. 139; 2008, c. 11, s. 107.

143.1. The chair of the disciplinary council may, on a motion, dismiss a complaint that the chair considers excessive, frivolous or clearly unfounded or subject it to certain conditions.

2007, c. 35, s. 18; 2008, c. 11, s. 1, s. 213; 2009, c. 35, s. 13; 2013, c. 12, s. 21.

143.2. If warranted by the circumstances of a complaint, for instance the complexity or foreseeable duration of the hearing, the chair of the disciplinary council may, on his own initiative or at the request of one of the parties, convene them to a case management conference in order to, among other things,

(1) come to an agreement with the parties as to the trial of the complaint, specifying the undertakings of the parties and determining the timetable to be complied with;

(2) if the parties fail to agree, determine a timetable for the proceeding, which is binding on the parties; and

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

2007, c. 35, s. 18; 2008, c. 11, s. 1, s. 213; 2009, c. 35, s. 13; 2013, c. 12, s. 21.

143.3. The minutes of the case management conference shall be drawn up by the secretary of the disciplinary council and signed by the chair.

2007, c. 35, s. 18; 2008, c. 11, s. 1, s. 213; 2009, c. 35, s. 14; 2013, c. 12, s. 21.

143.4. If the parties fail to comply with the agreement or the timetable, the chair of the disciplinary council may make the appropriate determinations, including foreclosure of a right under the agreement. The chair may, on request, relieve a defaulting party from default, if required in the interest of justice.

2007, c. 35, s. 18; 2008, c. 11, s. 1, s. 213; 2009, c. 35, s. 15; 2013, c. 12, s. 21.

143.5. Once a party's failure to participate is noted in the minutes of the case management conference, the disciplinary council may make the case management determinations it considers appropriate.

2007, c. 35, s. 18; 2008, c. 11, s. 1.

144. The disciplinary council must permit the respondent to present a full and complete defence.

The disciplinary council may conduct the hearing in the absence of the respondent if he does not appear on the date and at the place fixed therefor.

1973, c. 43, s. 140; 2008, c. 11, s. 1.

145. The complaint may be amended at any time, on the conditions necessary to safeguard the rights of the parties. It may be so amended to request, in particular, provisional striking off the roll under section 130. However, except with the consent of all the parties, the disciplinary council shall not allow any amendment from which an entirely new complaint unrelated to the original would result.

1973, c. 43, s. 141; 1994, c. 40, s. 126; 2008, c. 11, s. 1.

146. The disciplinary council shall summon such witnesses and require the production of such documents as it or either party considers useful by ordinary summons over the signature of the secretary.

1973, c. 43, s. 142; 2008, c. 11, s. 1.

147. The disciplinary council shall have all the powers of the Superior Court to compel witnesses to appear and answer, and to punish them in case of refusal, except the power to order imprisonment; for such purpose the respondent shall be deemed to be a witness.

1973, c. 43, s. 143; 1999, c. 40, s. 58; 2008, c. 11, s. 1, s. 108.

148. The disciplinary council shall, through one of its members, administer the oath to the parties and witnesses.

1973, c. 43, s. 144; 1999, c. 40, s. 58; 2008, c. 11, s. 1.

149. A witness or professional testifying before the disciplinary council shall be bound to answer all questions. His evidence is privileged and cannot be used against him in any adjudicative proceedings. He may not invoke his obligation to protect professional secrecy as a ground for refusing to answer.

Where *in camera* proceedings are ordered under section 142, every person conversant with such evidence shall be personally bound to secrecy saving the right of the president of the order of which the professional is

a member and of the members of the Professions Tribunal to be informed thereof in the performance of their duties.

1973, c. 43, s. 145; 1986, c. 95, s. 73; 1994, c. 40, s. 127; 2008, c. 11, s. 1, s. 109.

149.1. A syndic may, by way of a complaint, seize the disciplinary council

- (1) of any decision of a Canadian court finding a professional guilty of a criminal offence,
- (2) of any decision made in Québec finding a professional guilty of an offence under section 188 or of an offence under a provision of a Québec or a federal Act, or
- (3) of any decision made outside Québec finding a professional 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.

The decision referred to in the first paragraph must, in the opinion of the syndic, be related to the practice of the profession.

A certified copy of the judicial decision is proof before the disciplinary council that the offence was committed and that any facts reported in the decision are true. The disciplinary council then imposes on the professional, where expedient, one or more of the sanctions prescribed by section 156.

2004, c. 15, s. 6; 2008, c. 11, s. 1, s. 110; 2013, c. 12, s. 22.

§ 4. — *Decisions and penalties*

150. After the conviction, the parties may be heard with respect to the penalty.

If one of the parties is absent when the disciplinary council finds the respondent guilty, the secretary shall serve a notice of such conviction upon such party in accordance with the Code of Civil Procedure (chapter C-25.01).

The disciplinary council shall impose the penalty within 60 days after the conviction.

1973, c. 43, s. 146; 1975, c. 80, s. 18; 1975, c. 83, s. 84; 2008, c. 11, s. 1, s. 111; I.N. 2016-01-01 (NCCP).

151. The disciplinary council may condemn the complainant or the respondent to pay the costs, or it may apportion the costs between them in the proportions it indicates.

However, where the complainant is a person who has lodged a complaint under the second paragraph of section 128, the disciplinary council may condemn him to pay the costs only if the respondent is acquitted of every charge contained in the complaint and the complaint was excessive, frivolous or clearly unfounded.

The chair of a disciplinary council that dismisses a complaint under section 143.1 may condemn the complainant to pay the costs.

The costs are those related to the processing of the complaint. They include, in particular, service costs, registration fees, the cost of expert opinion admitted in evidence as well as the indemnities payable to summoned witnesses, computed in accordance with the tariff established in the Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice (chapter C-25.01, r. 0.5). If the respondent is found guilty, the costs also include the travel and lodging expenses of the council members appointed by the board of directors of the order.

Where a condemnation to costs becomes enforceable, the secretary of the disciplinary council shall draw up a list of costs and shall have the list served in accordance with the Code of Civil Procedure (chapter

C-25.01). The list may be revised by the senior chair or the deputy senior chair on a motion filed within 30 days of the date of service. At least five days' notice in writing of the filing must be given to the parties. A motion for revision does not prevent or suspend the execution of the decision. The decision concerning the revision of the list is not subject to appeal.

1973, c. 43, s. 147; 1994, c. 40, s. 128; 1995, c. 50, s. 8; 2000, c. 13, s. 29; 2007, c. 35, s. 19; 2008, c. 11, s. 1, s. 151, s. 213; 2009, c. 35, s. 16; 2013, c. 12, s. 23; I.N. 2016-01-01 (NCCP).

152. The disciplinary council shall decide to the exclusion of any court, in first instance, whether the respondent is guilty of an offence referred to in section 116.

Where there is no provision in this Code, the Act constituting the order of which the respondent is a member or a regulation or by-law under this Code or that Act which applies in the particular circumstances, the disciplinary council shall decide to the exclusion of any court

(1) whether the act with which the respondent is charged is derogatory to the honour or dignity of the profession or to the discipline of the members of the order;

(2) whether the profession the respondent practises, or the trade, enterprise or business he carries on, or the office or position he holds, is incompatible with the honour, dignity or practice of the profession.

1973, c. 43, s. 148; 1994, c. 40, s. 129; 2008, c. 11, s. 1.

153. The secretary shall record the minutes of the trial and the decision of the disciplinary council in a special register.

The minutes shall mention if the parties have dispensed with recording and shall in such case include a summary of the hearing, including the depositions; the minutes shall constitute evidence of their contents until proof to the contrary.

1973, c. 43, s. 149; 1994, c. 40, s. 130; 2008, c. 11, s. 1.

154. The decision of the disciplinary council shall be rendered by a majority of the members. It shall be recorded in writing and signed by the members of the council who support it. It shall contain, in addition to the conclusions, an indication, where such is the case, that the disclosure, publication or release of certain information or documents is banned and the reasons for the decision.

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 chair.

1973, c. 43, s. 150; 1986, c. 95, s. 74; 1994, c. 40, s. 131; 2008, c. 11, s. 1, s. 112, s. 213; 2013, c. 12, s. 21.

154.1. The disciplinary council shall render its decision within 90 days from the time the matter is taken under advisement.

1994, c. 40, s. 132; 2008, c. 11, s. 1.

155. (*Repealed*).

1973, c. 43, s. 152; 1994, c. 40, s. 133.

156. The disciplinary council shall impose on a professional convicted of an offence referred to in section 116, one or more of the following penalties in respect of each count contained in the complaint:

(a) reprimand;

(b) temporary or permanent striking off the roll, even if he has not been entered thereon from the date of the offence;

(c) a fine of not less than \$1,000 nor more than \$12,500 for each offence;

(d) the obligation to remit to any person entitled to it a sum of money the professional is or should be holding for him;

(d.1) the obligation to transmit a document or the information contained in any document, and the obligation to complete, delete, update or rectify any document or information;

(e) revocation of his permit;

(f) revocation of his specialist's certificate;

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

The disciplinary council shall impose at least provisional striking off the roll and a fine in accordance with subparagraphs *b* and *c* of the first paragraph on a professional found guilty of having engaged in a derogatory act referred to in section 59.1. The council shall impose at least provisional striking off the roll in accordance with subparagraph *b* of the first paragraph on a professional found guilty of having appropriated, without entitlement, sums of money or securities held by him on behalf of a client or of having used sums of money or securities for purposes other than those for which they were entrusted to him in the practice of his profession.

For the purposes of subparagraph *c* of the first paragraph, when an offence is continuous, its continuity shall constitute a separate offence, day by day. In the case of a subsequent offence, the minimum and maximum fines prescribed in that subparagraph are doubled.

The decision of the disciplinary council imposing one or more of such penalties may include terms and conditions. Where there is more than one penalty, it may also prescribe that the penalties apply consecutively.

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.

A notice shall include the name of the professional found guilty, the place of his professional domicile, the name of the order of which he is a member, his specialty, if any, the date and nature of the offence committed by him and the date and a summary of the decision.

A decision of the disciplinary council condemning the complainant or the professional to costs, or imposing a fine on the professional or ordering him or the order, or both, to pay the expenses referred to in the fifth paragraph may, in default of voluntary payment, be homologated by the Superior Court or the Court of Québec according to their respective jurisdictions, having regard to the amount involved, and such decision shall become enforceable as a judgment of that Court.

1973, c. 43, s. 153; 1977, c. 66, s. 10; 1983, c. 54, s. 24; 1988, c. 29, s. 40; 1988, c. 21, s. 66; 1994, c. 40, s. 134; 2007, c. 25, s. 1; 2008, c. 11, s. 1, s. 113, s. 151.

157. Within ten days of the decision of the disciplinary council dismissing the complaint or imposing the penalty, as the case may be, and, where applicable, ordering the publication of a notice under the fifth paragraph of section 156, the secretary shall cause such decision to be served on the parties in accordance with the Code of Civil Procedure (chapter C-25.01).

However, where such decision is rendered in the presence of one of the parties, it is deemed to be served on such party in accordance with the first paragraph on being so rendered. The secretary shall indicate in the

register referred to in section 153 whether the parties are present when the disciplinary council renders such decision.

1973, c. 43, s. 154; 1975, c. 80, s. 20; 1994, c. 40, s. 135; 2008, c. 11, s. 1, s. 114; I.N. 2016-01-01 (NCCP).

158. The decision of the disciplinary council imposing one or more penalties provided in the first paragraph of section 156 shall be enforceable upon the expiry of the period for appeal in accordance with the conditions and modalities indicated therein, unless the council, on the complainant's request, orders provisional execution of the decision upon its service on the respondent despite an appeal.

However, a decision of the disciplinary council imposing permanent striking off the roll, the revocation of a permit or specialist's certificate or a permanent restriction or suspension of a professional's right to engage in professional activities shall be enforceable upon being served on the respondent.

A decision of the disciplinary council under the fifth paragraph of section 156 shall be enforceable upon the expiry of the time limit for appeal or, if an appeal is lodged from a decision imposing temporary striking off the roll or a temporary restriction or suspension of a professional's right to engage in professional activities pursuant to the first paragraph of section 156, upon service of the final decision of the Professions Tribunal imposing such a penalty.

The disciplinary council may order that a decision under the first or third paragraph be enforceable at a time other than that referred to in those paragraphs.

1975, c. 80, s. 21; 1983, c. 54, s. 25; 1994, c. 40, s. 136; 2008, c. 11, s. 1, s. 115, s. 151.

158.1. The professional must pay to the order of which he is a member the fine imposed on him by the disciplinary council in accordance with subparagraph *c* of the first paragraph of section 156.

The disciplinary council may recommend to the board of directors that all or part of the fine be remitted by the order to the person

(1) who disbursed sums of money for the purpose of lodging a complaint under the second paragraph of section 128;

(2) who was the victim of a derogatory act referred to in section 59.1, to pay the cost of therapeutic care related to the act.

1994, c. 40, s. 137; 2008, c. 11, s. 1.

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 as soon as possible.

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 a judgment of the court. Prescription runs against the order from the date the sum is paid.

In the case of the preceding paragraph, the professional is automatically struck off the roll from the day on which the order pays to the person entitled to it the amount of money fixed by the disciplinary council, until such time as the professional fully reimburses the order in principal, interest and costs; this reimbursement shall not terminate his being struck off under another decision.

The board of directors of the order may, upon motion, suspend a striking off made under this section, provided that the professional struck off undertakes in writing to reimburse fully the amount that he owes, within a fixed time.

1973, c. 43, s. 155; 1988, c. 21, s. 66; 1994, c. 40, s. 138; 1999, c. 40, s. 58; 2008, c. 11, s. 1, s. 116; 2013, c. 12, s. 24.

160. A decision of the disciplinary council may, for any reason indicated by the council, include a recommendation to the board of directors of the order that it require the professional to successfully complete a period of refresher training or a refresher course, or both, and that it restrict or suspend the professional's right to engage in professional activities until that requirement is met.

A decision of the disciplinary council may also recommend that a professional found guilty of having engaged in a derogatory act referred to in section 59.1 be required to submit to a program with a view to facilitating his reintegration into the practice of his profession.

1973, c. 43, s. 156; 1988, c. 29, s. 41; 1994, c. 40, s. 139; 2000, c. 13, s. 30; 2008, c. 11, s. 1.

161. A professional struck off the roll or whose right to engage in professional activities has been restricted or suspended by the disciplinary council may, as long as one of those penalties is in force, request, by way of a petition to the disciplinary council filed with the secretary, 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. The secretary must send a copy of the petition to the senior chair as soon as possible. At least 10 days before the petition is filed, it must be served on the syndic in accordance with the Code of Civil Procedure (chapter C-25.01); the syndic may contest the request.

If the disciplinary council is of opinion that the petition should be granted, it shall make an appropriate recommendation to the board of directors, which shall decide finally. If the council dismisses the petition, no new petition may be submitted before the expiry of the penalty unless the council so authorizes. The decisions of the council are not subject to appeal.

1973, c. 43, s. 157; 1988, c. 29, s. 42; 2008, c. 11, s. 1, s. 117; 2013, c. 12, s. 25; I.N. 2016-01-01 (NCCP).

161.1. The disciplinary council may correct a decision it has rendered where the decision contains an error in writing, a mistake in calculation or any other clerical error.

The decision may be corrected by the disciplinary council of its own initiative, as long as execution of the decision has not commenced. Unless an appeal has been lodged, a correction may be effected at any time on the motion of one of the parties, served on the other parties in accordance with the Code of Civil Procedure (chapter C-25.01).

1994, c. 40, s. 140; 2008, c. 11, s. 1; I.N. 2016-01-01 (NCCP).

§ 5. — Appeals

162. A Professions Tribunal is established, composed of eleven judges of the Court of Québec designated by the chief judge of such Court who shall designate among them a chair and a vice-chair to replace him if he is absent or unable to act.

1973, c. 43, s. 158; 1974, c. 65, s. 26; 1988, c. 29, s. 43; 1988, c. 21, s. 66; 1994, c. 40, s. 141; 1999, c. 40, s. 58; 2008, c. 11, s. 213.

162.1. The chair of the tribunal shall receive the same additional remuneration as the additional remuneration to which the associate chief judge of the Court of Québec is entitled, and shall be entitled to the same allowance for official expenses.

2000, c. 13, s. 31; 2008, c. 11, s. 213.

163. The hearing of the appeal on the merits shall be conducted before three judges of the tribunal. For all other matters, the tribunal shall consist of the chair or the judge designated by the chair. However, the judge hearing an application may refer it to a panel of three judges, except in the case of an application made under the second paragraph of section 171 or pursuant to the second paragraph of section 172.

Where the tribunal consists of a panel of three judges and one of their number ceases to act, whatever the cause, the hearing may be continued and a decision may be made by the two remaining judges.

1973, c. 43, s. 159; 1974, c. 65, s. 26; 1975, c. 80, s. 22; 1977, c. 66, s. 11; 1988, c. 29, s. 44; 1994, c. 40, s. 142; 2000, c. 13, s. 32; 2008, c. 11, s. 213; I.N. 2016-01-01 (NCCP).

164. An appeal lies to the Professions Tribunal from

(1) a decision of the disciplinary council ordering a provisional striking off the roll or provisional restriction of the right to engage in professional activities, allowing or dismissing a complaint, or imposing a penalty;

(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) *(subparagraph repealed)*.

Every appeal from a decision referred to in subparagraph 1 or 1.1 of the first paragraph shall be brought by way of an application served on the parties and on the secretary of the disciplinary council in accordance with the Code of Civil Procedure (chapter C-25.01). The application, which must contain a detailed statement of the grounds for appeal, must be filed at the office of the Court of Québec in the judicial district where the respondent in first instance has his professional domicile, within 30 days of the service of the decision. However, no appeal from a decision allowing a complaint may be brought later than thirty days after the date of service of the decision imposing a penalty.

The parties other than the appellant must file a representation statement at the office of the Court of Québec within 10 days of receipt of the application for appeal.

Within 30 days of receipt of the notice of appeal, the secretary of the disciplinary council shall send the original and three copies of the record to the clerk of the Court of Québec and one copy to each of the parties.

The record shall include the complaint, the subsequent written proceedings, the minutes of the proceeding, the decision of the council and the application. The record shall also include the exhibits produced and 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.

The tribunal may:

(a) on application by the secretary of the council, extend the time provided in the fifth paragraph;

(b) on application by one of the parties, allow that certain contents of the record be not reproduced in the copies which must be sent in accordance with the fifth paragraph.

1973, c. 43, s. 160; 1974, c. 65, s. 27; 1975, c. 80, s. 23; 1988, c. 29, s. 45; 1988, c. 21, s. 66; 1994, c. 40, s. 143; 1999, c. 40, s. 58; 2004, c. 15, s. 7; 2007, c. 35, s. 20; 2008, c. 11, s. 1, s. 118, s. 213; 2009, c. 35, s. 17; 2008, c. 11, s. 118; 2013, c. 12, s. 26; I.N. 2016-01-01 (NCCP).

165. The tribunal and each of its members shall have the powers and immunity conferred upon commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

The tribunal or a member thereof may, on the basis of the Code of Civil Procedure (chapter C-25.01), with the necessary modifications, prescribe such orders of procedure as the exercise of its functions may require.

The clerk and the officers and employees of the Court of Québec of the district in which the tribunal sits must provide it with the services they usually provide to the Court of Québec itself.

1973, c. 43, s. 161; 1975, c. 80, s. 24; 1988, c. 21, s. 66; 1992, c. 61, s. 169; 1994, c. 40, s. 144; I.N. 2016-01-01 (NCCP).

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.

The following orders and decisions shall be enforceable notwithstanding an appeal, unless the tribunal orders otherwise:

(1) an order for provisional striking off the roll or provisional restriction of the right to engage in professional activities under section 133;

(2) an order prohibiting the disclosure, publication or release of information under section 142;

(3) a decision imposing permanent striking off the roll, revocation of a permit or specialist's certificate or a permanent restriction or suspension of a professional's right to engage in professional activities under any of subparagraphs *b*, *e*, *f* and *g* of the first paragraph of section 156;

(4) a decision imposing provisional striking off the roll pursuant to the second paragraph of section 156.

1973, c. 43, s. 162; 1994, c. 40, s. 145; 2004, c. 15, s. 8; 2008, c. 11, s. 119, s. 151.

167. Within 30 days of receipt of his copy of the record, the appellant must file at the office of the Court of Québec the original and three copies of a factum setting out his claims, and give a copy thereof to each of the other parties. Within 30 days of receipt of their copies of the factum, the other parties must file the original and three copies of their own factums at the office of the court, and give a copy thereof to the appellant.

Unless the record includes exhibits produced and a transcript of the hearing, each party's factum must include only the exhibits and extracts from the evidence that are necessary to determine the questions at issue, in accordance with the regulations of the Professions Tribunal.

If the appellant does not file his factum within the time fixed, the appeal may be dismissed; if the other parties are in default, the tribunal may refuse to hear them.

1973, c. 43, s. 163; 1988, c. 29, s. 46; 1988, c. 21, s. 66; 1994, c. 40, s. 146; 1999, c. 40, s. 58; 2008, c. 11, s. 120; I.N. 2016-01-01 (NCCP).

168. The tribunal may admit, as evidence, a copy of or extract from a document, if the original is not available.

1973, c. 43, s. 164; 1994, c. 40, s. 147.

169. The tribunal may also, by reason of exceptional circumstances and where the ends of justice so require, authorize the presentation of new and indispensable written or verbal evidence.

The application for authorization shall be written and sworn; it shall be presented to the tribunal for adjudication after notice to the opposite party.

If the application is heard, each party may examine and cross-examine the witnesses summoned and present his arguments.

1973, c. 43, s. 165; 1974, c. 65, s. 28; 1994, c. 40, s. 148; I.N. 2016-01-01 (NCCP).

170. Every party has the right to be assisted or represented by an advocate.

1973, c. 43, s. 166; 1986, c. 95, s. 75.

171. The chair of the tribunal or a judge designated by him shall fix the date for hearing the appeal.

Upon an application from one of the parties, served on the other parties in accordance with the Code of Civil Procedure (chapter C-25.01), the chair or the judge designated by him may decide that the appeal will be heard and decided by preference.

1973, c. 43, s. 167; 1975, c. 80, s. 25; 1994, c. 40, s. 149; 2008, c. 11, s. 121, s. 213; I.N. 2016-01-01 (NCCP).

172. The tribunal shall sit in the judicial district of Québec or Montréal, depending on whether the respondent in first instance has his professional domicile in a district that is under the territorial jurisdiction of the Court of Appeal sitting at Québec or at Montréal pursuant to article 40 of the Code of Civil Procedure (chapter C-25.01).

However, on application by a party served on the other parties in accordance with the Code of Civil Procedure, the tribunal may decide that the appeal will be heard in the judicial district in which the respondent in first instance has his professional domicile or, where the complainant in first instance is a person having lodged a complaint under the second paragraph of section 128, in the judicial district of the domicile of the complainant. The application may be filed in any district referred to in this section. The hearing shall take place in the district in which the application is filed.

1975, c. 80, s. 26; 1994, c. 40, s. 150; 2000, c. 13, s. 33; 2008, c. 11, s. 122; I.N. 2016-01-01 (NCCP).

173. Every hearing shall be public.

Notwithstanding the first paragraph, the tribunal may, of its own initiative or upon request, order that a hearing be held *in camera* or ban the disclosure, publication or release of any information or document it indicates, in the interest of morality or public order, in particular to preserve professional secrecy or to protect a person's privacy or reputation.

Every person who, by performing an act or omitting to perform an act, infringes an order to hold a hearing *in camera* or an order banning disclosure, publication or release is guilty of contempt of court.

1973, c. 43, s. 168; 1986, c. 95, s. 76; 2008, c. 11, s. 123.

174. The rules provided in section 149 shall apply to the hearing before the tribunal.

1973, c. 43, s. 169.

175. The tribunal may confirm, alter or quash any decision submitted to it and render the decision which it considers should have been rendered in first instance. It may, in particular, substitute any other penalty prescribed by the first paragraph of section 156 for a penalty imposed by the disciplinary council if, in its opinion, that penalty should have been imposed in first instance.

The tribunal has power to order any of the parties to pay the costs or to apportion such costs among them. The costs are costs arising from the hearing and include the cost of preparing and forwarding the record of the appeal, the service costs, registration fees and, where applicable, the cost of expert opinion admitted in evidence as well as the indemnities payable to summoned witnesses, computed in accordance with the tariff established in the Regulation respecting indemnities and allowances payable to witnesses summoned before

courts of justice (chapter C-25.01, r. 0.5) and, where applicable, the costs referred to in section 151. However, where the complainant in first instance is a person who lodged a complaint under the second paragraph of section 128, the tribunal may condemn him to pay the costs only if it has acquitted the professional of all the charges contained in the complaint and the complaint was excessive, frivolous or clearly unfounded.

If the tribunal finds the respondent guilty after the disciplinary council had acquitted him, it may impose one or more of the penalties prescribed by the first paragraph of section 156, after having given the parties the opportunity to be heard on the subject of the penalties. The tribunal may also decide to return the record to the disciplinary council so that the council may impose one or more of the penalties prescribed by the said section.

1973, c. 43, s. 170; 1975, c. 80, s. 27; 1982, c. 16, s. 1; 1994, c. 40, s. 153; 2000, c. 13, s. 34; 2007, c. 35, s. 21; 2008, c. 11, s. 1.

176. Every decision of the tribunal shall be recorded in writing and signed by the judges who rendered it. It shall contain, in addition to the conclusions, an indication, where such is the case, that the disclosure, publication or release of certain information or documents is banned and the reasons on which it is based.

1973, c. 43, s. 171; 1986, c. 95, s. 77; 1994, c. 40, s. 154; 2008, c. 11, s. 124.

177. Within ten days of the final decision of the tribunal, the clerk of the Court of Québec of the district where the tribunal held its sittings shall cause such decision to be served on the parties and on the secretary of the disciplinary council in accordance with the Code of Civil Procedure (chapter C-25.01).

However, when such decision is rendered in the presence of one of the parties, it is deemed to be served on such party in accordance with the first paragraph on being so rendered.

The final decision of the tribunal is enforceable from its service on the respondent in first instance.

1973, c. 43, s. 172; 1975, c. 80, s. 28; 1988, c. 21, s. 66; 2008, c. 11, s. 1, s. 151; I.N. 2016-01-01 (NCCP).

177.0.1. The party entitled to appeal costs shall draw up a bill thereof and have it served, in accordance with the Code of Civil Procedure (chapter C-25.01), upon the party who owes the costs with a notice of a least five days from the date on which it will be filed for taxation to the clerk; the latter may require proof to be made under oath or by witnesses.

The bill of costs drawn up may be revised by the tribunal within 30 days, upon an application served on the opposite party in accordance with the Code of Civil Procedure. The application for revision does not prevent or suspend the execution of the decision. The judgment rendered by the tribunal on the determination of costs is final and not subject to appeal.

The determination of costs established by the clerk or by the tribunal may, if payment is not made voluntarily, be homologated by the Superior Court or the Court of Québec, according to their respective jurisdictions having regard to the amount involved, by the mere filing of the bill of costs with the clerk of the court and the bill of costs becomes enforceable as a judgment of that court.

2000, c. 13, s. 35; 2008, c. 11, s. 125, s. 151; I.N. 2016-01-01 (NCCP).

177.1. The tribunal may correct a decision it has rendered where the decision contains an error in writing, a mistake in calculation or any other clerical error.

The decision may be corrected by the tribunal of its own initiative, as long as execution of the decision has not commenced. A correction may be effected at any time on application by one of the parties, served on the other parties in accordance with the Code of Civil Procedure (chapter C-25.01).

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) (*subparagraph repealed*).

The application for revision must be filed within 15 days counting, according to circumstances, from the day on which the party became aware of the decision, the new fact or the substantive or procedural defect likely to invalidate the decision. The time limit of 15 days is peremptory; however, the tribunal may, on an application, and provided that no more than six months have elapsed since the decision, relieve a party of the consequences of a failure to comply with the time limit if the party shows that it was, in fact, impossible to act sooner.

1988, c. 29, s. 47; 1994, c. 40, s. 155; 2000, c. 13, s. 36; I.N. 2016-01-01 (NCCP).

178. (*Repealed*).

1974, c. 65, s. 29; 1988, c. 29, s. 48; 1994, c. 40, s. 156.

§ 6. — *Publication of decisions and reports*

179. Each decision of the disciplinary council or of the Professions Tribunal on an appeal from a decision of that council shall be sent by the secretary of the disciplinary council to the Office within 45 days of the day on which it is rendered.

1973, c. 43, s. 173; 1974, c. 65, s. 109; 1988, c. 29, s. 49; 1994, c. 40, s. 157; 2008, c. 11, s. 1.

180. The secretary of the disciplinary council must send to each member of the order to which a professional belongs who is provisionally, temporarily or permanently 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 disciplinary council 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 disciplinary council correcting such a decision or the tribunal correcting or revising such a decision. The notice shall contain the name of the professional, the place of his professional domicile, the name of the order of which he is a member, his specialty, if any, the nature and the date of the facts with which he is charged, in the case of provisional striking off or provisional restriction of the right to engage in professional activities, or of the offence committed and a summary and the date of the decision.

In addition, where the professional has been permanently struck off or where he has had his right to practise permanently restricted or suspended or his permit or specialist's certificate revoked, the secretary of the disciplinary council must publish the notice in a newspaper having general circulation in the place where the professional had his professional domicile. 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.

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

1973, c. 43, s. 174; 1975, c. 80, s. 29; 1988, c. 29, s. 50; 1994, c. 40, s. 158; 2004, c. 15, s. 9; 2008, c. 11, s. 1, s. 126.

180.1. (*Repealed*).

1988, c. 29, s. 50; 1994, c. 40, s. 159.

180.2. The notices provided for in the first paragraph of section 180 may be published or inserted in an official or regular publication of the order sent to each of its members. 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.

1988, c. 29, s. 50; 1994, c. 40, s. 160; 2008, c. 11, s. 127.

181. The secretary of the disciplinary council must make an annual report to the board of directors of the order on the activities of the disciplinary council.

This report must indicate in particular the number and nature of the complaints received, the number dismissed, and the number and nature of the convictions pronounced.

1973, c. 43, s. 175; 1994, c. 40, s. 161; 2008, c. 11, s. 1.

182. The Office shall see to it that certain decisions under this division are made public, subject to any order banning the disclosure, publication or release of information or documents issued by the disciplinary council or the Professions Tribunal under section 142 or 173.

A decision made public must, however, indicate the name of the order concerned.

1973, c. 43, s. 176; 1974, c. 65, s. 109; 1975, c. 80, s. 30; 1983, c. 54, s. 26; 1988, c. 29, s. 51; 1994, c. 40, s. 162; 2000, c. 13, s. 37; 2008, c. 11, s. 1, s. 128.

DIVISION VIII

APPEAL FROM CERTAIN DECISIONS OTHER THAN DISCIPLINARY DECISIONS

1994, c. 40, s. 163.

§ 1. — *Appeal to the Professions Tribunal*

1994, c. 40, s. 163.

182.1. This division applies to appeals to the Professions Tribunal from the following decisions:

(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 first paragraph of section 187.4.1 or the second or third paragraph of section 187.9 of this Code;

(2) a decision of the board of directors under section 48 of the Act respecting the Barreau du Québec (chapter B-1) or under subsection 5 of section 70 of that Act;

(3) a decision of the board of directors under section 16 of the Engineers Act (chapter I-9);

(4) a decision of the board of directors under the second paragraph of subsection 2 of section 27 of the Veterinary Surgeons Act (chapter M-8);

(5) a decision of the executive committee under section 12 of the Notaries Act (chapter N-3);

(6) a decision of the board of directors under section 8 of the Chartered Professional Accountants Act (chapter C-48.1).

Section 163, the fourth paragraph of section 164, sections 165, 168, 169, 170, 171, 173, 174, 176 and 177.0.1 and the third and fourth paragraphs of section 177.1 apply to appeals from decisions referred to in the

first paragraph. However, the reference in section 172 to section 163 shall be read as a reference to section 182.5.

1994, c. 40, s. 163; 2000, c. 13, s. 38; 2000, c. 44, s. 100; 2004, c. 15, s. 10; 2008, c. 11, s. 1, s. 129; 2009, c. 35, s. 18; 2012, c. 11, s. 22; 2009, c. 28, s. 9; 2014, c. 13, s. 24.

182.2. Every appeal from a decision referred to in the first paragraph of section 182.1 shall be brought by way of an application served on the secretary of the board of directors or of the executive committee, as the case may be, in accordance with the Code of Civil Procedure (chapter C-25.01). The application, which must contain a detailed statement of the grounds for appeal, must be filed at the office of the Court of Québec in the judicial district where the appellant has his professional domicile, within 30 days of the service of the decision. Where the appellant is not a member of the order, the application must be filed within the same period at the office of the Court of Québec in the judicial district in which the appellant has his domicile.

Within 30 days of receipt of the notice of appeal, the secretary of the board of directors or of the executive committee, as the case may be, shall send the original and three copies of the record to the clerk of the Court of Québec and a copy to each of the parties.

The record relating to an appeal from a decision made under section 51 or section 52.1 of this Code shall include, the decision ordering the medical examination, the medical examination report, where applicable, the decision made under that section and the application for appeal. The record relating to an appeal from a decision made under the second paragraph of section 52 of this Code shall include, the decision restricting or suspending the right to practise the profession or striking the professional off the roll, the written application for reinstatement of the full right to practise or for entry on the roll, the medical examination report, the decision made under that section and the application for appeal.

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 application for appeal.

The record relating to an appeal from a decision under section 48 of the Act respecting the Barreau du Québec (chapter B-1) shall include, the decision of the committee, the record and decision of the board of directors and the application for appeal. The record relating to an appeal from a decision under subsection 5 of section 70 of the Act respecting the Barreau du Québec, or section 12 of the Notaries Act (chapter N-3) shall include, the record and decision of the executive committee and the application for appeal.

The record relating to an appeal from a decision made under the third paragraph of section 45.3, the third paragraph of section 55, section 55.3, the second paragraph of section 187, the first paragraph of section 187.4.1 or the second or third paragraph of section 187.9, under section 16 of the Engineers Act (chapter I-9) or under section 8 of the Chartered Professional Accountants Act (chapter C-48.1) or the second paragraph of subsection 2 of section 27 of the Veterinary Surgeons Act (chapter M-8) shall include, the record and decision of the board of directors and the application for appeal.

The tribunal may

(1) on application by the secretary of the board of directors or of the executive committee, as the case may be, extend the period provided for in the second paragraph;

(2) on application by one of the parties, allow that certain elements of the record not be reproduced in the copies which must be sent in accordance with the second paragraph.

1994, c. 40, s. 163; 2000, c. 13, s. 39; 2000, c. 44, s. 101; 2004, c. 15, s. 11; 2008, c. 11, s. 1, s. 130; 2007, c. 42, s. 2; 2009, c. 35, s. 19; 2012, c. 11, s. 23; 2009, c. 28, s. 10; 2014, c. 13, s. 25; I.N. 2016-01-01 (NCCP).

182.3. The appeal shall suspend execution of the decision, except where the tribunal orders provisional execution.

However, a decision refusing entry on the roll, a decision rendered pursuant to the first paragraph of section 51, section 52.1, the first paragraph of section 55.1 or section 55.2 or 55.3, or a decision rendered under section 48 of the Act respecting the Barreau du Québec (chapter B-1) shall be enforceable notwithstanding the appeal, unless the tribunal orders otherwise.

1994, c. 40, s. 163; 2000, c. 13, s. 40; 2004, c. 15, s. 12; 2008, c. 11, s. 131, s. 151.

182.4. Within 30 days of receipt of his copy of the record, the appellant must file at the office of the Court of Québec the original and three copies of a factum setting out his claims, and give a copy to the other party. Within 30 days of receipt of his copy of the factum, the other party must file the original and three copies of his own factum at the office of the court and give a copy to the appellant.

If the appellant does not file his factum within the period fixed, the appeal may be dismissed; if the other party is in default, the tribunal may refuse to hear him.

The only documents to be included in the factum filed by a party are the documents and extracts from the evidence that are necessary to determine the questions at issue under the rules of the Professions Tribunal.

1994, c. 40, s. 163; 2009, c. 35, s. 20.

182.5. The tribunal shall sit in the judicial district of Québec or Montréal, depending on whether the judicial district in which the professional has his professional domicile or the judicial district in which an appellant who is not a member of an order has his domicile is under the territorial jurisdiction of the Court of Appeal sitting at Québec or at Montréal pursuant to article 40 of the Code of Civil Procedure (chapter C-25.01).

However, on application by a party served on the other parties in accordance with the Code of Civil Procedure, the tribunal may decide that the appeal will be heard in the judicial district in which the professional has his professional domicile or in the judicial district in which the appellant who is not a member of an order has his domicile. The application may be filed in any district referred to in this section. The hearing of the application shall take place in the district in which the application is filed.

1994, c. 40, s. 163; 2000, c. 13, s. 41; 2008, c. 11, s. 132; I.N. 2016-01-01 (NCCP).

182.6. The tribunal may confirm, alter or quash any decision submitted to it and render the decision it considers should have been rendered in first instance.

The tribunal has the power to order either of the parties to pay the costs, or to apportion such costs between them. The costs are costs arising from the hearing and include the cost of preparing and forwarding the record of the appeal, the service costs, registration fees and, where applicable, the cost of expert opinions admitted in evidence as well as the indemnities payable to summoned witnesses, computed in accordance with the tariff established in the Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice (chapter C-25.01, r. 0.5).

1994, c. 40, s. 163; 2000, c. 13, s. 42.

182.7. Within 10 days of the final decision of the tribunal, the clerk of the Court of Québec in the judicial district where the tribunal held its sittings shall cause the decision to be served on the appellant and on the secretary of the board of directors or of the executive committee, as the case may be, in accordance with the Code of Civil Procedure (chapter C-25.01).

However, where the decision is rendered in the presence of one of the parties, it is deemed to be served on that party in accordance with the first paragraph on being so rendered.

The final decision of the tribunal is enforceable from its service on the appellant.

1994, c. 40, s. 163; 2008, c. 11, s. 1, s. 151; I.N. 2016-01-01 (NCCP).

182.8. The tribunal may correct any decision it has rendered where the decision contains an error in writing, a mistake in calculation or any other clerical error.

The decision may be corrected by the tribunal of its own initiative, as long as execution of the decision has not commenced. The correction may be effected at any time on application by the appellant or the board of directors or the executive committee, as the case may be, served in accordance with the Code of Civil Procedure (chapter C-25.01).

1994, c. 40, s. 163; 2008, c. 11, s. 1; I.N. 2016-01-01 (NCCP).

§ 2. — *Publicity of decisions*

1994, c. 40, s. 163.

182.9. The secretary of the order of which a professional who is struck off the roll, whose permit or specialist's certificate is revoked or whose right to practise is restricted or suspended is a member must send to each of its members a notice of the final decision of the board of directors or the Professions Tribunal, as the case may be, entailing the striking off the roll, revocation, restriction or suspension and a notice of any decision of the tribunal correcting or revising such a decision. 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 shall contain the name of the professional, the place of his professional domicile, the name of the order of which he is a member, his specialty, if any, and the date and a summary of the decision.

In addition, the secretary of the order must transmit to the Office every final decision of the board of directors or the Professions Tribunal, as the case may be, that entails permanent striking off the roll or permanent restriction or suspension of a professional's right to practise and, where applicable, any decision of the tribunal correcting or revising such a decision.

The notices referred to in the first paragraph may be published or inserted in an official or regular publication of the order sent to each of its members. 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 or specialist's certificate.

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

1994, c. 40, s. 163; 2008, c. 11, s. 1, s. 133.

182.10. *(Repealed).*

1994, c. 40, s. 163; 2000, c. 13, s. 43.

CHAPTER V

REGULATIONS

183. The Government may, by regulation and after having received the recommendation of the Office pursuant to subparagraph 2 or 4 of the third paragraph of section 12, adopt a regulation or amendments to a regulation that the board of directors fails to adopt.

1973, c. 43, s. 177; 1974, c. 65, s. 109; 1988, c. 29, s. 52; 1994, c. 40, s. 164; 2008, c. 11, s. 1.

183.1. The Government may, by regulation, establish a list of titles, abbreviations of titles or initials which, when used by a person or attributed to himself by a person who is not a member of the professional order indicated in the regulation, may lead to the belief that the person is a member of that order or that the person practises a professional activity reserved for members of that order.

The Government may also, by regulation, establish a list of words or expressions which, when associated with the name of a person who is not a member of the professional order indicated in the regulation, may lead to the belief that the person is a member of that order or that the person practises a professional activity reserved for members of that order.

1994, c. 40, s. 164.

184. After obtaining the advice of the Office in accordance with subparagraph 7 of the third paragraph of section 12, and of the order concerned, the Government may, by regulation, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist's certificate.

The Government may also, by regulation and after having consulted the Office and the persons or bodies referred to in subparagraph 7 of the third paragraph of section 12, fix the terms and conditions of cooperation between the order concerned and the authorities of the educational institutions in Québec referred to in a regulation under the first paragraph, in particular in the development and review of the programs of study leading to a diploma giving access to a permit or specialist's certificate, the standards that the board of directors is required to establish by regulation under paragraph *c* of section 93 and, where applicable, the other terms and conditions that the board of directors may determine by regulation under paragraph *i* of section 94, and the standards of equivalence of such terms and conditions that the board of directors may determine under the regulation.

1973, c. 43, s. 178; 1974, c. 65, s. 109; 1975, c. 80, s. 31; 1977, c. 5, s. 14; 1988, c. 29, s. 53; 1993, c. 26, s. 24; 1994, c. 40, s. 164; 2008, c. 11, s. 1.

184.1. The Government may, in a regulation that it is empowered to make under this Code or under an Act constituting a professional order, make compulsory a standard established by a government or body. It may provide that reference to such a standard includes any subsequent amendment made to it.

1994, c. 40, s. 164.

184.2. The Professions Tribunal may adopt the regulations it considers necessary to ensure proper compliance with sections 162 to 177.1 and 182.1 to 182.8 of this Code. The regulations shall be submitted to the Government, which may approve them with or without amendment.

1994, c. 40, s. 164; I.N. 2016-01-01 (NCCP).

184.3. The Office may, by regulation and after consultation with the Bureau and the Québec Interprofessional Council, adopt rules of evidence and regulations for the conduct of proceedings relating to complaints lodged with the disciplinary councils.

2008, c. 11, s. 134, s. 213; 2013, c. 12, s. 27; I.N. 2016-01-01 (NCCP).

CHAPTER VI

RADIOLOGY PERMIT

185. No professional other than a physician, veterinary surgeon or dentist acting in accordance with the laws and regulations governing him may practise radiology on animate beings without holding a permit contemplated in section 186.

1973, c. 43, s. 179.

186. The Office shall fix, by regulation, the standards for the issue and holding of permits to practise radiology. For that purpose, the Office must obtain the assistance of experts including in particular the representatives of the interested professions.

1973, c. 43, s. 180; 1974, c. 65, s. 109; 1988, c. 29, s. 54.

187. A professional who wishes to obtain a permit contemplated in section 186 shall apply for it to the board of directors of the order of which he is a member. The board of directors of the order shall issue the permit, in keeping with the standards of the Office, if the professional fulfils the conditions prescribed by these standards.

A permit may be suspended or revoked, in conformity with the standards of the Office, by the board of directors that issued it. A decision under this paragraph may be appealed from to the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV.

1973, c. 43, s. 181; 1974, c. 65, s. 109; 1994, c. 40, s. 165; 2000, c. 13, s. 44; 2008, c. 11, s. 1.

CHAPTER VI.1

PSYCHOTHERAPIST'S PERMIT

1998, c. 18, s. 3; 2009, c. 28, s. 11.

187.1. With the exception of physicians and psychologists, no person shall practise psychotherapy or use the title of “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 et des thérapeutes conjugaux et familiaux du Québec. (*see notes 1 and 2 below*)

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.

1998, c. 18, s. 3; 2009, c. 28, s. 11.



NOTE 1: as of 8 December 2010, the Ordre professionnel des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec is designated under the name of “Ordre professionnel des conseillers et conseillères d’orientation du Québec”. (See chapter C-26, r. 77).

NOTE 2: on 8 December 2010, a professional order was constituted by letters patent under the name of “Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec”. (See chapter C-26, r. 208).

NOTE 3: on 10 October 2013, a professional order was constituted by letters patent under the name of “Ordre professionnel des sexologues du Québec”. (See chapter C-26, r. 222.2).

NOTE 4: on 22 July 2015, a professional order was constituted by letters patent under the name of «Ordre professionnel des criminologues du Québec». (See chapter C-26, r. 90.1).

187.2. Every physician, psychologist or holder of a psychotherapist's permit shall practise 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.

1998, c. 18, s. 3; 2009, c. 28, s. 11.

187.3. To obtain a psychotherapist's permit, a person shall apply to the board of directors of the Ordre professionnel des psychologues du Québec and pay the annual fees set by the board.

1998, c. 18, s. 3; 2008, c. 11, s. 1; 2009, c. 28, s. 11.

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 the continuing education requirements with which a physician or psychologist practicing psychotherapy, or a holder of a psychotherapist's permit must comply, in accordance with the conditions set by resolution of the board of directors of the Collège des médecins du Québec and the Ordre professionnel des psychologues du Québec, the penalties for failing to comply and, where applicable, the cases in which a member may be exempted from complying.

2009, c. 28, s. 11.

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 21 June 2012. 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 board of directors 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 practise psychotherapy, and to determine the provisions of the Professional Code (chapter C-26) and the regulations made under it by the board of directors of the Ordre professionnel des psychologues du Québec that will apply to such a holder of a psychotherapist's permit.

2009, c. 28, s. 11.

187.4. When carrying out a specific inspection or an inquiry, the professional inspection committee or 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 board of directors of the professional order to which the holder of a psychotherapist's permit belongs must inform the board of directors of the Ordre professionnel des psychologues du Québec of any recommendation or decision made by the professional inspection committee or the disciplinary council and of

any decision of the board of directors further to that recommendation concerning a member of the same order who holds a psychotherapist's permit.

1998, c. 18, s. 3; 2008, c. 11, s. 1; 2009, c. 28, s. 11.

187.4.1. The board of directors 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.

2009, c. 28, s. 11.

187.4.2. The board of directors 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 board of directors of the professional order of which he is a member or of a final decision by the disciplinary council of that order or by the Professions Tribunal, imposing a suspension or a full restriction on the right to practise psychotherapy. The permit is suspended for the duration specified in the decision of the board of directors, the disciplinary council or the Professions Tribunal.

If the holder of a psychotherapist's permit has been the subject of a decision by the board of directors of the professional order of which he is a member or of a final decision by the disciplinary council of that order or by the Professions Tribunal, imposing a partial restriction on the right to practise psychotherapy, the board of directors of the Ordre professionnel des psychologues du Québec shall restrict, under the same conditions, the right to practise psychotherapy.

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

2009, c. 28, s. 11.

187.4.3. Any penal proceedings for the unlawful practice of psychotherapy or the unauthorized use of the title of "Psychotherapist" are instituted by the Ordre professionnel des psychologues du Québec on a resolution of the board of directors or the executive committee.

2009, c. 28, s. 11.

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.

1998, c. 18, s. 3; 2009, c. 28, s. 11.

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 board of directors of the professional orders whose members may practise 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 board of directors 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.

2009, c. 28, s. 11.

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.

2009, c. 28, s. 11.

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

2009, c. 28, s. 11.

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.

2009, c. 28, s. 11.

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 practise psychotherapy.

2009, c. 28, s. 11.

187.5.6. At the expiry of a period of five years after 23 June 2010 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.

2009, c. 28, s. 11.

CHAPTER VI.2

DENTAL PROSTHESIS LABORATORY MANAGEMENT PERMIT

2000, c. 13, s. 45.

187.6. No person may operate a laboratory equipped to manufacture or repair dental prostheses unless such activities are under the direction of a person holding a dental prosthesis laboratory management permit.

2000, c. 13, s. 45.

187.7. The Office shall make regulations fixing standards concerning

- (1) the issue and holding of dental prosthesis laboratory management permits;
- (2) the operation of laboratories equipped to manufacture or repair dental prostheses.

2000, c. 13, s. 45.

187.8. A member of the Ordre professionnel des denturologistes du Québec or of the Ordre professionnel des techniciens et techniciennes dentaires du Québec who wishes to obtain a permit referred to in section 187.6 must apply in writing to the secretary of the professional order of which the person is a member.

Any other person who, on 11 November 1999, directs the activities of a laboratory equipped to manufacture or repair dental prostheses may obtain a permit referred to in section 187.6 if the person applies in writing to the secretary of the Ordre professionnel des techniciens et techniciennes dentaires du Québec on or before 10 October 2000.

2000, c. 13, s. 45.

187.9. The board of directors of a professional order referred to in the first paragraph of section 187.8 shall issue a permit to every person who meets the standards fixed by the Office and pays the fees prescribed by the board of directors.

A decision to refuse to issue a permit to a person who applies therefor under the second paragraph of section 187.8 may be appealed from to the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV.

In accordance with the standards fixed by the Office, a permit may be suspended or cancelled at any time by the board of directors of the professional order that issued the permit. A decision under this paragraph may be appealed from to the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV.

2000, c. 13, s. 45; 2008, c. 11, s. 1, s. 135.

187.10. This chapter does not apply to a member of the Ordre professionnel des dentistes du Québec or the Ordre professionnel des denturologistes du Québec who manufactures or repairs a dental prosthesis for a natural person who has direct recourse to the member's services in the practice of his profession.

2000, c. 13, s. 45.

CHAPTER VI.2.1

Repealed, 2012, c. 11, s. 24.

2007, c. 42, s. 3; 2012, c. 11, s. 24.

187.10.1. *(Repealed).*

2007, c. 42, s. 3; 2009, c. 35, s. 21, s. 76; 2012, c. 11, s. 24.

187.10.2. *(Repealed).*

2007, c. 42, s. 3; 2008, c. 11, s. 1; 2009, c. 35, s. 22, s. 76; 2012, c. 11, s. 24.

187.10.2.1. *(Repealed).*

2009, c. 35, s. 23; 2012, c. 11, s. 24.

187.10.3. *(Repealed).*

2007, c. 42, s. 3; 2008, c. 11, s. 1; 2009, c. 35, s. 76; 2012, c. 11, s. 24.

187.10.4. *(Repealed).*

2007, c. 42, s. 3; 2008, c. 11, s. 1; 2009, c. 35, s. 24, s. 76; 2012, c. 11, s. 24.

187.10.5. *(Repealed).*

2008, c. 7, s. 53; 2008, c. 11, s. 1; 2009, c. 35, s. 76; 2012, c. 11, s. 24.

187.10.6. *(Repealed).*

2008, c. 7, s. 53; 2009, c. 35, s. 76; 2012, c. 11, s. 24.

187.10.7. *(Repealed).*

2008, c. 7, s. 53; 2012, c. 11, s. 24.

CHAPTER VI.3

CARRYING ON OF PROFESSIONAL ACTIVITIES WITHIN A LIMITED LIABILITY PARTNERSHIP OR A JOINT-STOCK COMPANY

2001, c. 34, s. 9.

187.11. The members of an order may carry on their professional activities within a limited liability partnership or a joint-stock company constituted for that purpose, if

(1) the board of directors of the order makes a regulation under paragraph *p* of section 94 authorizing the members of the order to carry on their professional activities within such a partnership or company and, as appropriate, determining the applicable terms and conditions and restrictions;

(2) the members of the order carrying on their professional activities within such a partnership or company furnish and maintain security against professional liability, on behalf of the partnership or company, in accordance with the requirements prescribed in a regulation made by the board of directors of the order under paragraph *g* of section 93; and

(3) the members of the order carrying on their professional activities within such a partnership or company declare that fact to the order in accordance with the conditions and procedure fixed in a regulation made by the board of directors under paragraph *h* of section 93.

2001, c. 34, s. 9; 2008, c. 11, s. 1.

187.12. Subject to the provisions of this chapter, a limited liability partnership is governed by the rules concerning general partnerships contained in the Civil Code.

2001, c. 34, s. 9.

187.13. Members of an order carrying on their professional activities within a limited liability partnership must include the expression “limited liability partnership” or the abbreviation “L.L.P.” in the name of the partnership.

2001, c. 34, s. 9.

187.14. A member of an order carrying on his or her professional activities within a limited liability partnership is not personally liable for obligations of the partnership or of any other professional arising from fault on the part of the other professional or the other professional’s servant or mandatary in the course of their professional activities within the partnership.

2001, c. 34, s. 9; 2008, c. 11, s. 136.

187.15. Two or more members of an order who decide to form a limited liability partnership for the carrying on of their professional activities or who continue a general partnership as a limited liability partnership must so stipulate expressly in a written agreement.

Where a partnership ceases to be a limited liability partnership, the change must also be expressly stipulated in a written agreement.

2001, c. 34, s. 9.

187.16. Upon continuance of a general partnership as a limited liability partnership, all rights and obligations of the general partnership which were in existence immediately before its continuance are transferred to the limited liability partnership, and all persons who were partners immediately before the continuance remain liable for all obligations of the general partnership, in accordance with article 2221 of the Civil Code.

2001, c. 34, s. 9.

187.17. A member of an order carrying on his or her professional activities within a joint-stock company is not personally liable for obligations of the company or of any other professional arising from fault on the part of the other professional or the other professional’s servant or mandatary in the course of their professional activities within the company.

2001, c. 34, s. 9; 2008, c. 11, s. 136.

187.18. No director, officer or representative of a joint-stock company may help or, by encouragement, advice or consent, or by an authorization or order, induce a member of an order carrying on his or her professional activities within the company to contravene a provision of this Code, the Act constituting the order or the regulations made under this Code or that Act.

2001, c. 34, s. 9.

187.19. A member of an order may not invoke decisions or acts of a joint-stock company within which the member carries on his or her professional activities to justify a contravention of a provision of this Code, the Act constituting the order or the regulations made under this Code or that Act.

2001, c. 34, s. 9.

187.20. Members of an order may carry on their professional activities in Québec within a limited liability partnership or a joint-stock company constituted under any Act other than an Act of Québec if the conditions set out in section 187.11 are met in respect of the members and if, in the case of a limited liability partnership, the members comply with the provisions of section 187.13 in carrying on their professional activities in Québec.

The personal liability of members within such a partnership or company, including the liability relating to the obligations of the partnership or company or of another professional within the partnership or company, shall continue to be governed by the law of Québec for all matters concerning the professional activities they carry on in Québec, as if the partnership or company had been constituted under this Code.

2001, c. 34, s. 9.

CHAPTER VII

PENAL PROVISIONS

1992, c. 61, s. 170.

188. Every person who contravenes a provision of this Code, of the Act or letters patent constituting an order or of an amalgamation or integration order is guilty of an offence and is liable to a fine of not less than \$1,500 nor more than \$20,000 or, in the case of a legal person, of not less than \$3,000 nor more than \$40,000.

In the case of a subsequent offence, the minimum and maximum fines are doubled.

1973, c. 43, s. 182; 1988, c. 29, s. 55; 1990, c. 4, s. 226; 1994, c. 40, s. 166; 1998, c. 14, s. 8; 2007, c. 25, s. 2.

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

(1) without being a member of a professional order, allows himself to be announced or designated by a title, an abbreviation of that title or initials reserved for members of the order, or by a title, an abbreviation or initials that may lead to the belief that he is a member of the order;

(2) announces or designates a person who is not a member of a professional order by a title, an abbreviation of that title or initials reserved for members of the order, or by a title, an abbreviation or initials that may lead to the belief that the person is a member of the order;

(3) through authorization, advice, an order or encouragement, otherwise than by seeking or obtaining professional services from a person who is not a member of a professional order whose members practise an exclusive profession or engage in a professional activity that is reserved under section 37.1, causes a person who is not a member of the professional order

(a) to engage in professional activities reserved for the members of the order;

(b) to use a title or an abbreviation of that title reserved for the members of the order, or a title or abbreviation that may lead to the belief that the person is a member of the order;

(c) to adopt initials reserved for the members of the order or which may lead to the belief that the person is a member of the order;

(4) through authorization, advice, an order or encouragement, otherwise than by seeking or obtaining professional services from a person who is not a member of a professional order whose members practise a reserved profession, causes a person who is not a member of the professional order

(a) to use a title or an abbreviation of that title reserved for the members of the order, or a title or abbreviation that may lead to the belief that the person is a member of the order;

(b) to adopt initials reserved for the members of the order or which may lead to the belief that the person is a member of the order.

Every person is guilty of an offence and is liable, for each offence, to the fine prescribed in section 188 who, without being an order to which this Code applies, uses the expression “professional order” or another expression containing those two words or an expression that may lead to the belief that it refers to an order governed by this Code, and in particular the expression “professional corporation”.

1988, c. 29, s. 56; 1993, c. 38, s. 4; 1994, c. 40, s. 167; 2002, c. 33, s. 6.

188.1.1. Every person is guilty of an offence and is liable, for each offence, to the fine prescribed in section 188 who, without being a member of a professional order indicated in a regulation made pursuant to section 183.1, uses titles or abbreviations, attributes initials to himself or associates his name with a word or expression appearing on the list established by the said regulation.

1994, c. 40, s. 168.

188.1.2. Every person is guilty of an offence and is liable, for each offence, to the fine prescribed in section 188 who knowingly

(1) without being a member of a professional order indicated in a regulation made pursuant to section 183.1, allows himself to be announced or designated by a title, an abbreviation, initials, a word or an expression appearing on the list established by the said regulation;

(2) announces or designates a person who is not a member of a professional order indicated in a regulation made pursuant to section 183.1 by a title, an abbreviation, initials, a word or an expression appearing on the list established by the said regulation;

(3) through authorization, advice, an order or encouragement, otherwise than by seeking or obtaining professional services for a person who is not a member of a professional order, causes a person who is not a member of a professional order indicated in a regulation made pursuant to section 183.1 to use a title or an abbreviation or to attribute initials to himself or to associate his name with a word or expression appearing on the list established by the said regulation.

1994, c. 40, s. 168.

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.

1988, c. 29, s. 56.

188.2.1. Every person who knowingly helps or, by encouragement, advice or consent, or by an authorization or order, but otherwise than by soliciting or receiving professional services from a member of an order, leads a member of a professional order to contravene section 59.1, 59.1.1 or 59.2 or a provision of the code of ethics adopted under section 87 is guilty of an offence and is liable, for each day during which the contravention continues, to the fine prescribed in section 188.

2007, c. 25, s. 3; 2013, c. 12, s. 28.

188.3. Where a legal person is guilty of an offence under section 188.1, 188.1.2, 188.2 or 188.2.1, every director, 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.

1988, c. 29, s. 56; 1994, c. 40, s. 169; 1999, c. 40, s. 58; 2007, c. 25, s. 4.

189. A professional order may, on a resolution of its board of directors or executive committee and in accordance with article 10 of the Code of Penal Procedure (chapter C-25.1), institute penal proceedings for the unlawful practice of the profession that its members are authorized to practise, unlawful engagement in a professional activity reserved to its members in the case of an order referred to in section 39.2, unauthorized use of a title reserved for its members, or, as the case may be, an offence under the Act constituting the order.

Penal proceedings for the unlawful practice of a profession that may be practised by the members of an order constituted under an Act, in relation to an act that is part of the practise of that profession, may also be instituted in accordance with the first paragraph by the order whose members are, under that Act or a regulation made under it, authorized to perform that act.

Penal proceedings for the unlawful practice of a profession that may be practised by the members of an order constituted under an Act, in relation to a professional activity that is part of both the practice of that profession and an activity described in section 37, may also be instituted in accordance with the first paragraph by the order whose members are, pursuant to the said section, authorized to practise that professional activity.

Penal proceedings for the unlawful practice of a profession instituted under the second or the third paragraph may be so instituted only against a person who is not a member of a professional order.

A professional order that institutes penal proceedings for the unlawful practice of a profession under the second or the third paragraph shall inform every order whose members are, pursuant to their constituting Acts, authorized to practise that profession.

1973, c. 43, s. 183; 1992, c. 61, s. 171; 1994, c. 40, s. 170; 2002, c. 33, s. 7; 2008, c. 11, s. 1.

189.0.1. Penal proceedings for the unlawful practice of a profession, unlawful engagement in a professional activity reserved to members of an order in the case of an order referred to in section 39.2, or unauthorized use of a title reserved for members of an order are prescribed one year after the date on which the prosecutor becomes aware of the commission of the offence.

However, no proceedings may be brought if more than five years have elapsed since the commission of the offence.

A certificate from the secretary of an order attesting the date on which the order became aware of the commission of the offence constitutes, in the absence of any evidence to the contrary, sufficient proof of that fact.

2009, c. 35, s. 25.

189.1. A professional order may, on a resolution of its board of directors or executive committee and in accordance with article 10 of the Code of Penal Procedure (chapter C-25.1), institute penal proceedings for an offence under section 187.18 or 188.2.1.

2001, c. 34, s. 10; 2007, c. 25, s. 5; 2008, c. 11, s. 1.

190. The fine imposed for an offence under section 188 belongs to the order, where it has taken charge of the penal proceedings.

1973, c. 43, s. 184; 1992, c. 61, s. 172; 1994, c. 40, s. 171.

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.

1994, c. 40, s. 172; 2000, c. 13, s. 46; 2008, c. 11, s. 137.

191. If a person repeats the offences contemplated in any of sections 188, 188.1, 188.1.1, 188.1.2, 188.2, 188.2.1 and 188.3, the Attorney General or, following his authorization and upon a resolution of the board of directors or the executive committee of the interested order, the interested order, after penal proceedings have been instituted, may require of the Superior Court an interlocutory injunction enjoining that person or his directors, officers, representatives, attorneys or employees to cease committing the alleged offences until final judgment is pronounced in penal proceedings.

After pronouncing such judgment, the Superior Court shall itself render final judgment on the application for an injunction.

The Attorney General and the interested order are dispensed from the obligation to give security to obtain an injunction under this section. In all other respects, the provisions of the Code of Civil Procedure (chapter C-25.01) respecting injunctions apply.

1973, c. 43, s. 185; 1974, c. 65, s. 30; 1988, c. 29, s. 57; 1994, c. 40, s. 173; 2007, c. 25, s. 6; 2008, c. 11, s. 1, s. 138; I.N. 2016-01-01 (NCCP).

CHAPTER VIII

INQUIRIES AND IMMUNITIES

192. The following may, in the performance of their duties, examine a record kept by a professional, require the production of any document, make a copy of such a record or document, and require any information:

(1) a professional inspection committee or a member, inspector or expert of such a committee, or the person responsible for professional inspections appointed under section 90;

(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) a review committee referred to in section 123.3 or a member of such committee;

- (4) a disciplinary council or a member of such council;
- (5) the Professions Tribunal or one of its judges;
- (6) any committee of inquiry established by a board of directors, a member of such a committee or an investigator of the order;
- (7) an administrator designated by the Government under section 14.5;
- (8) a person, committee or member of a committee designated by the board of directors 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;
- (9) (*subparagraph repealed*);

For the purposes of this section, the professional shall, on request, allow the examination of such record or document and provide such information, and may not invoke his obligation to ensure professional secrecy as a reason for refusing to allow it.

1973, c. 43, s. 186; 1974, c. 65, s. 31; 1988, c. 29, s. 58; 1986, c. 95, s. 78; 1994, c. 40, s. 174; 2000, c. 13, s. 47; 2004, c. 15, s. 13; 2008, c. 11, s. 1, s. 139.

193. The following persons or bodies cannot be prosecuted by reason of acts engaged in in good faith in the performance of their duties or functions:

- (1) a professional inspection committee or a member, inspector, expert or the secretary of such committee, or the person responsible for professional inspections appointed under section 90;
- (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) a review committee referred to in section 123.3 or a member of such committee;
- (4) the senior chair, the deputy senior chair, a disciplinary council or a member or the secretary of such council;
- (5) the Professions Tribunal or a judge thereof;
- (6) the board of directors, a member of the board of directors or the secretary of the order;
- (7) a committee of inquiry established by a board of directors, a member of such a committee or an investigator of the order;
- (8) the Office or a member of the Office;
- (9) an administrator designated by the Government under section 14.5;
- (10) a person, committee or member of a committee designated by the board of directors 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;
- (11) (*paragraph repealed*).

1973, c. 43, s. 187; 1974, c. 65, s. 32, s. 109; 1988, c. 29, s. 59; 1994, c. 40, s. 175; 2000, c. 13, s. 48; 2004, c. 15, s. 14; 2008, c. 11, s. 1, s. 140; 2013, c. 12, s. 29.

194. Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) shall be exercised and no injunction granted against the persons or bodies mentioned in section 193 acting in their official capacities.

1973, c. 43, s. 188; 1982, c. 16, s. 2; 1994, c. 40, s. 176; 2008, c. 11, s. 141; 2014, c. 1, s. 779; I.N. 2016-01-01 (NCCP).

195. Except on a question of jurisdiction, article 33 of the Code of Civil Procedure (chapter C-25) does not apply to the persons or bodies mentioned in section 193 acting in their official capacities.

1973, c. 43, s. 189; 1982, c. 16, s. 3; 1994, c. 40, s. 177.

196. A judge of the Court of Appeal may, on an application, summarily annul any decision, order or injunction made or granted contrary to sections 193 and 194.

1973, c. 43, s. 190; 1979, c. 37, s. 43; I.N. 2016-01-01 (NCCP).

CHAPTER VIII.1

FINANCIAL CONTRIBUTIONS

1995, c. 50, s. 9.

196.1. *(Repealed).*

1995, c. 50, s. 9; 2008, c. 11, s. 142.

196.2. The expenditures incurred by the Office in a fiscal year shall be payable by the members of the professional orders.

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. Any surplus or deficit expected by the Office for a fiscal year may also be taken into account in whole or in part. 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.

1995, c. 50, s. 9; 2008, c. 11, s. 143; 2009, c. 35, s. 26.

196.3. *(Repealed).*

1995, c. 50, s. 9; 2008, c. 11, s. 144.

196.4. The Office shall send to each order a written request for remittance of the contribution of each of its members on or before 1 January preceding the fiscal year of the Office in respect of which the contribution is fixed.

1995, c. 50, s. 9; 2008, c. 11, s. 145.

196.5. *(Repealed).*

1995, c. 50, s. 9; 2008, c. 11, s. 146.

196.6. Each order is required to collect the contribution of each person entered on the roll from 1 April following the date of the written request for remittance referred to in section 196.4.

1995, c. 50, s. 9; 2008, c. 11, s. 147.

196.7. The order shall remit the contributions of its members to the Office on or before 1 May following the date of the written request for remittance referred to in section 196.4. The contributions collected after that date must be remitted to the Office by the order on or before 31 March of the fiscal year during which they are collected.

1995, c. 50, s. 9; 2000, c. 13, s. 49; 2008, c. 11, s. 147.

196.8. Every person or group and every department or other government body shall pay the charge determined by regulation of the Government after consultation with the Office and the Interprofessional Council in respect of any request they submit to the Office or of any act that must be performed by the Office in the exercise of its functions.

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

1995, c. 50, s. 9; 2008, c. 11, s. 148.

CHAPTER IX

FINAL PROVISIONS

197. The Minister designated for such purpose by the Government is entrusted with the application of this Code and of the Acts constituting the professional orders.

However, the Minister of Justice is entrusted with the application of Division VII of Chapter IV and sections 162 to 177.1, 182.1 to 182.8 and 184.2 and the Minister responsible for the administration of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) is entrusted with the application of Division V.1 of Chapter IV.

1973, c. 43, s. 191; 1974, c. 65, s. 33; 1994, c. 40, s. 178; 2006, c. 22, s. 155; 2013, c. 12, s. 30.



The Minister of Justice is entrusted with the application of this Code and of the Acts constituting the professional orders. Order in Council 29-2016 dated 28 January 2016, (2016) 148 G.O. 2 (French), 1254.

198. The Minister may, on the conditions and in the manner determined by the Government, annually grant a subsidy to an order, taking into account the number of its members, to enable it to meet all its obligations under this Code.

The Minister may also, at the time he considers appropriate and according to the terms and conditions he fixes, convene the Interprofessional Council, the Office and the professional orders in order to assess the operation of the various mechanisms set up pursuant to this Code and, as the case may be, the constituting Acts of the professional orders.

1973, c. 43, s. 267 (part); 1994, c. 40, s. 179.

198.1. (*Repealed*).

1994, c. 40, s. 180; 2008, c. 11, s. 149.

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

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

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

2006, c. 20, s. 6; 2008, c. 11, s. 1.

199. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

SCHEDULE I

(Sections 1, 24, 31, 35)

1. The Ordre professionnel des avocats du Québec;
2. The Ordre professionnel des notaires du Québec;
3. The Ordre professionnel des médecins du Québec;
4. The Ordre professionnel des dentistes du Québec;
5. The Ordre professionnel des pharmaciens du Québec;
6. The Ordre professionnel des optométristes du Québec;
7. The Ordre professionnel des médecins vétérinaires du Québec;
8. The Ordre professionnel des agronomes du Québec;
9. The Ordre professionnel des architectes du Québec;
10. The Ordre professionnel des ingénieurs du Québec;
11. The Ordre professionnel des arpenteurs-géomètres du Québec;
12. The Ordre professionnel des ingénieurs forestiers du Québec;
13. The Ordre professionnel des chimistes du Québec;
14. *(Paragraph repealed)*;
15. The Ordre professionnel des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec;
16. The Ordre professionnel des denturologistes du Québec;
17. The Ordre professionnel des opticiens d'ordonnances du Québec;
18. The Ordre professionnel des chiropraticiens du Québec;
19. The Ordre professionnel des audioprothésistes du Québec;
20. The Ordre professionnel des podiatres du Québec;
21. The Ordre professionnel des infirmières et infirmiers du Québec;
- 21.1 The Ordre professionnel des acupuncteurs du Québec;
- 21.2 The Ordre professionnel des huissiers de justice du Québec;
- 21.3 The Ordre professionnel des sages-femmes du Québec;
- 21.4 The Ordre professionnel des géologues du Québec;
- 21.5 The Ordre professionnel des comptables professionnels agréés du Québec;
22. *(Paragraph repealed)*;

23. *(Paragraph repealed)*;
24. The Ordre professionnel des diététistes du Québec;
25. The Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec;
26. The Ordre professionnel des psychologues du Québec;
27. The Ordre professionnel des conseillers en ressources humaines et en relations industrielles agréés du Québec;
28. The Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec; *(see notes 1 and 2 below)*
29. The Ordre professionnel des urbanistes du Québec;
30. The Ordre professionnel des administrateurs agréés du Québec;
31. The Ordre professionnel des évaluateurs agréés du Québec;
32. The Ordre professionnel des hygiénistes dentaires du Québec;
33. The Ordre professionnel des techniciens et techniciennes dentaires du Québec;
34. The Ordre professionnel des orthophonistes et audiologistes du Québec;
35. The Ordre professionnel de la physiothérapie du Québec;
36. The Ordre professionnel des ergothérapeutes du Québec;
37. The Ordre professionnel des infirmières et infirmiers auxiliaires du Québec;
38. The Ordre professionnel des technologistes médicaux du Québec;
39. The Ordre professionnel des technologues professionnels du Québec;
40. The Ordre professionnel des inhalothérapeutes du Québec;
41. The Ordre professionnel des traducteurs, terminologues et interprètes agréés du Québec.

1973, c. 43, Schedule I; 1974, c. 65, s. 40; 1977, c. 5, s. 229; 1987, c. 17, s. 3; 1988, c. 29, s. 60; 1993, c. 38, s. 5; 1994, c. 40, s. 181; 1994, c. 37, s. 18; 1995, c. 41, s. 22; 1999, c. 24, s. 18; 2000, c. 13, s. 50; 2001, c. 12, s. 14; 2009, c. 35, s. 27; 2012, c. 11, s. 25; 2009, c. 28, s. 12; 2012, c. 10, s. 10.



NOTE 1: as of 8 December 2010, the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec is designated under the name of "Ordre professionnel des conseillers et conseillères d'orientation du Québec". (See chapter C-26, r. 77).

NOTE 2: on 8 December 2010, a professional order was constituted by letters patent under the name of "Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec". (See chapter C-26, r. 208).

NOTE 3: on 10 October 2013, a professional order was constituted by letters patent under the name of "Ordre professionnel des sexologues du Québec". (See chapter C-26, r. 222.2).

NOTE 4: on 22 July 2015, a professional order was constituted by letters patent under the name of «Ordre professionnel des criminologues du Québec». (See chapter C-26, r. 90.1).

SCHEDULE II

(Sections 11, 14.1, 62.1, 89.1, 111, 124)

OATH OF DISCRETION

I, A. B., declare under oath that I will not reveal or make known, without being authorized therefor by law, anything whatsoever of which I have taken cognizance in the performance of my duties.

1973, c. 43, Schedule II; 1994, c. 40, s. 182; 1999, c. 40, s. 58; 2008, c. 11, s. 150.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 43 of the statutes of 1973, in force on 31 December 1977, is repealed, except sections 192, 193, 195, 196, 199 to 201, 203 to 205, 207 to 209, 211 to 213, 215 to 217, 219 to 221, 223 to 225, 227 to 229, 231 to 233, 235 to 240, 242 to 244, 246 to 264, 266 and 268, effective from the coming into force of chapter C-26 of the Revised Statutes.