

REGULATION RESPECTING THE PROFESSIONAL INSPECTION COMMITTEE OF THE COLLÈGE DES MÉDECINS DU QUÉBEC

(This version is offered as a courtesy and holds no official value.)

Medical Act

(R.S.Q., c. M-9, s. 3)

Professional Code

(R.S.Q., c. C-26, s. 90)

DIVISION I

PROFESSIONAL INSPECTION COMMITTEE

1. The Board of Directors appoints 11 physicians to act as members of the professional inspection committee of the Collège des médecins du Québec.

The Board of Directors may appoint physicians as substitute members.

Decision 03-12-18, s. 1; Decision 10-05-21, s. 1.

2. The Board of Directors appoints the committee chair from among the elected directors not on the Executive Committee.

The Board of Directors may appoint a substitute chair who can act when the president is absent or unable to act. The substitute president is selected from among the members of the committee.

Decision 03-12-18, s. 1.

3. The Board of Directors designates the secretary of the committee, who coordinates its activities, from among the committee members.

The Board of Directors may appoint a substitute secretary who can act when the secretary is absent or unable to act.

Decision 03-12-18, s. 2; Decision 10-05-21, s. 2.

4. The term of the committee members is one year.

These terms are renewable.

Any administrative or disciplinary decision made with respect to a committee member, such as a permit revocation, striking from the roll or limitation or suspension of their right to practice, that has the effect of impairing his right to practice, terminates that member's term on this committee. The same applies if a refresher course or training period is prescribed for the member or the member is found guilty of a violation by the Disciplinary Council of the Collège or the Professions Tribunal.

Decision 03-12-18, s. 4; Decision 10-05-21, s. 3.

5. The committee holds its meetings on the date, at the time and in the place it decides.

A member not physically attending the meeting is considered present if participating by conference call or using some other technology.

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The members who participate in the meeting by conference call or using some other technology may vote by email or otherwise as determined by the chair.

Decision 03-12-18, s. 5; Decision 10-05-21, s. 4.

6. An extraordinary meeting of the committee is held at the request of the chair, secretary or 3 members of the committee.

Decision 03-12-18, s. 6.

7. Quorum for the committee is 5 members.

Quorum is reduced to 3 members including the chair for an extraordinary meeting of the committee held only for the purpose of naming an expert.

Decision 03-12-18, s. 7; Decision 10-05-21, s. 5.

8. The secretariat for the committee is located at the head office of the Collège and all documents, minutes, reports and other records relative to inspections into professional competency are kept there.

Decision 03-12-18, s. 8; Decision 10-05-21, s. 6.

9. The chair or a member of the committee periodically informs the Board of Directors of inspections performed by the committee, the members of the committee and the inspectors.

Decision 03-12-18, s. 9; Decision 10-05-21, s. 7.

DIVISION II

CREATION OF THE PROFESSIONAL INSPECTION RECORD

10. The committee creates and updates a record for each physician who has been the subject of an inspection.

Decision 03-12-18, s. 10; Decision 10-05-21, s. 8.

11. The record so created contains the inspection report, the committee's recommendations, if any, and any other document or information related to an inspection.

Any record created as part of a professional inspection contains no indication that would allow identification of the person who prompted that inspection.

Decision 03-12-18, s. 11; Decision 10-05-21, s. 9.

12. A physician has the right to consult his or her record and obtain a copy of it.

Decision 03-12-18, s. 12; Decision 10-05-21, s. 10.

DIVISION III

PROFESSIONAL INSPECTION

13. The committee executes its responsibility for professional inspection according to programs it prepares that must be approved in advance by the Board of Directors.

Decision 03-12-18, s. 13.

13.1. The committee prepares a list of experts who may assist it. The secretary appoints the experts as a function of their expertise.

Decision 10-05-21, s. 11.

14. The committee, the committee member or the inspector sends the physician written notice by registered mail at least 7 days before the date set for an inspection.

In cases where sending such notice could compromise the purposes pursued by the inspection, it may be held without notice.

Decision 03-12-18, s. 14; Decision 10-05-21, s. 12; I.N. 2016-06-01.

15. If the inspection is made in an institution in the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5) or in a specialized medical centre, the committee, the member of the committee or the inspector gives written notice at least 7 days before the date set for a visit to the chair of the council of physicians, dentists and pharmacists and this takes the place of notice to each of the physicians who practice there. If there is no council of physicians, dentists and pharmacists, notice is given to the head physician in charge of the medical service or the physician in charge.

Decision 03-12-18, s. 15; Decision 10-05-21, s. 13.

16. If the physician is unable, for substantial reasons, to meet a committee member or an inspector on the date or at the time proposed, he must, upon receipt of the notice, notify that person as soon as possible or failing that, the secretary of the committee to arrange a new meeting date or time.

Decision 03-12-18, s. 16; Decision 10-05-21, s. 14.

17. A committee member, an inspector or an expert shall, when required to do so, produce a certificate signed by the secretary of the committee that attests to his capacity.

Decision 03-12-18, s. 17; Decision 10-05-21, s. 15.

18. The physician who is the object of an inspection must be present when a committee member or an inspector requires.

Out of respect for the rules regarding professional secrets, the physician may be assisted by a single person of his choice who acts as observer. This person may not be present during the study of a medical record.

Decision 03-12-18, s. 18; Decision 10-05-21, s. 16.

19. The committee, one of its members or an inspector may, as part of an inspection, proceed to review the file, conduct a structured oral interview, a standardized interview or direct observation or administer to the physician questionnaires on profiles of practice and evaluation of competencies or psychometric tests.

Decision 03-12-18, s. 19; Decision 10-05-21, s. 17.

20. When a file, register, medication, substance, device or equipment pertaining to an inspection is held by a third party, the physician shall, at the request of the committee, a committee member or an inspector, authorize the person to examine it and, if appropriate, make a copy of it at no charge.

Decision 03-12-18, s. 20; Decision 10-05-21, s. 18.

21. When an inspection is completed, the committee member, the inspector or the investigator writes a report that is submitted as quickly as possible to the committee for review.

Decision 03-12-18, s. 21; Decision 10-05-21, s. 19.

22. After studying the report, the committee shall, where applicable, convey to the physician concerned appropriate comments regarding the quality of his or her professional practice. To this end, the committee may:

(1) ask the physician concerned, within the time indicated, to provide proof of correcting any deficiencies noted in the report;

(1.1) ask the physician concerned, within the time indicated, to participate in symposia, congresses, workshops, conferences, structured readings, tutorials or other complementary training activities;

(2) conduct a control visit to the physician concerned for the purpose of verifying that the deficiencies identified in the report have been corrected, after giving notice as provided in section 14.

The committee places the comments conveyed to the physician in the record and, where appropriate, includes the results of the actions undertaken in accordance with subparagraphs 1, 1.1 and 2 of the first paragraph.

Decision 03-12-18, s. 22; Decision 10-05-21, s. 20.

DIVISION IV COMMITTEE RECOMMENDATIONS

23. The committee notifies the physician and the Board of Directors as soon as possible when, after studying an inspection report, it concludes that there is no need to recommend that the Board of Directors take any of the measures provided in section 113 of the Professional Code (R.S.Q., c. C-26).

Decision 03-12-18, s. 23; Decision 10-05-21, s. 21.

24. When, after studying the inspection report, the committee intends to recommend to the Board of Directors that it take any of the measures provided in section 113 of the Professional Code (R.S.Q., c. C-26), it so notifies the physician and must then allow him or her to submit comments. This notice must clearly state the facts and reasons for its intention.

In addition to a training course or refresher course, the committee may recommend to the Board of Directors that it impose on the physician one or more of the following obligations:

(1) be successfully mentored;

(2) participate in symposia, congresses, workshops or conferences;

(3) engage in structured readings.

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Decision 03-12-18, s. 24; Decision 10-05-21, s. 22.

25. In application of section 24, the secretary of the committee informs the physician, by registered mail, of the possibility of presenting comments in writing within a period of 15 days from receipt of the notice.

Decision 03-12-18, s. 25; Decision 10-05-21, s. 23; I.N. 2016-06-01.

26. The committee may succeed without further notice or delay if the physician does not submit written observations within the time allowed.

Decision 03-12-18, s. 26; Decision 10-05-21, s. 23.

27. A physician is entitled to the assistance of an advocate at every stage of a professional inspection.

Decision 03-12-18, s. 27; Decision 10-05-21, s. 23.

28. The committee's recommendations are adopted by the majority of members present; in case of a tie, the chair has the casting vote.

The recommendations with explanations are sent to the physician by registered mail as soon as possible.

Decision 03-12-18, s. 28; I.N. 2016-06-01.

DIVISION V FINAL PROVISIONS

29. This regulation replaces the Regulation respecting the professional inspection committee of the Ordre professionnel des médecins du Québec (D. 1429-92, 92-09-23).

Decision 03-12-18, s. 29.

30. *(Omitted).*

Decision 03-12-18, s. 30.

Decision 03-12-18, 2004 G.O. 2, 135
D. 938-2008, 2008 G.O. 2, 5493 (L.Q. 2008, c. 11, s. 212)
Decision 10-05-21, 2010 G.O. 2 09-06-2010, 2208