

REGULATION RESPECTING THE PROCEDURES FOR SUPERVISING PERSONS PERFORMING A PERIOD OF PROFESSIONAL TRAINING IN MEDICINE

Professional Code (c. C-26, s. 94, par. i)

1. This regulation is intended to establish which among the regulatory standards applicable to physicians are those that apply to persons performing a period of professional training in application of the Regulation respecting the terms and conditions for the issuance of the permit and specialist's certificates by the Collège des médecins du Québec (chapter M-9, r. 20.1) and to provide special supervisory procedures for those persons, including investigation and complaint procedures and the penalties resulting from failure to comply with them.

Decision 2013-04-22, s. 1.

2. The regulatory standards applicable to the persons who perform a period of professional training are those provided in the following regulations:

- (1) Code of Ethics of Physicians (chapter M-9, r. 17);
- (2) Regulation respecting the standards relating to prescriptions made by a physician (chapter M-9, r. 25);
- (3) Regulation respecting the records, places of practice and the cessation of practice by a physician (chapter M-9, r. 20.3).

Decision 2013-04-22, s. 2.

3. A request for an inquiry or a report on the failure to comply with a regulatory standard applicable to a person performing a period of professional training may be filed by any person.

Decision 2013-04-22, s. 3.

4. The secretary of the Collège receives the request for an inquiry or report and proceeds to analyze it.

As part of this analysis, the secretary may gather information from the person performing the period of professional training, from the university where that person is registered or from the site where the period of training is performed.

Decision 2013-04-22, s. 4.

5. Upon completion of this analysis, if the secretary considers no measures are necessary or is satisfied with the measures taken with respect to the person by the university or the training site to ensure the protection of the public, the secretary closes the file and informs the person performing the period of professional training, the person who requested the inquiry or made the report and the university of the conclusions of his analysis.

When the secretary concludes that the measures taken with respect to the person by the university or the training site are not sufficient to ensure protection of the public, the secretary so informs the syndic of the Collège and communicates to the syndic the entire record relating to his analysis.

Decision 2013-04-22, s. 5.

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6. Upon receiving the record, the syndic holds an inquiry and may require any information and any document relative to that inquiry.

Sections 114, 122 and 192 of the Professional Code (chapter C-26) apply, with the appropriate adaptations, to any inquiry held pursuant to this article.

Decision 2013-04-22, s. 6.

7. Upon completion of the inquiry, if any, the syndic must produce a report which can:

- (1) conclude that there is no reason to impose a penalty on the person;
- (2) recommend that the executive committee impose one or more of the penalties provided in section 8 on the person.

The syndic informs the person who requested an inquiry or made the report, the university and the training site as well as the person performing the period of training in writing of the decision whether or not to bring a complaint before the executive committee. If the syndic decides not to bring a complaint, an explanation in writing of the reasons for that decision must be provided.

The complaint may request the restriction or immediate suspension of the right of the person to engage in professional activities when the violation of regulatory standards charged is of a nature that protection of the public risks being compromised if the person continues to perform the period of training.

Decision 2013-04-22, s. 7.

8. The executive committee may, after having given the person who performs a period of professional training an opportunity to present his or her comments, impose one or more of the following penalties:

- (1) a reprimand;
- (2) a restriction or suspension of the right to engage in professional activities in application of the Regulation respecting the professional activities that may be engaged in by persons other than physicians (chapter M-9, r. 12.1), including the obligation to perform certain of these professional activities in the presence of another person;
- (3) a restriction or suspension of the right to engage in professional activities until the person submits a medical report indicating that they have a physical or mental condition compatible with the practice of the profession, according to the procedure provided in section 49 of the Professional Code;
- (4) an obligation to participate in an administrative follow-up program;
- (5) an obligation to submit to a professional supervision plan identifying a respondent at each training site where the person performs a period of professional training;
- (6) suspension or withdrawal of the training card issued in application of the Regulation respecting professional activities that may be engaged in by persons other than physicians.

Decision 2013-04-22, s. 8.

9. The decision of the executive committee is served to the person, in accordance with the Code of Civil Procedure (chapter C-25.01), and is enforceable on the date of its service.

The decision is sent to the university and the training site.

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Decision 2013-04-22, s. 9; I.N. 2016-01-01 (NCCP).

10. The person may, by request addressed to the executive committee, ask for relief, while one of these penalties is in force and new facts likely to justify a different decision can be brought forward. At least 10 days before its presentation, such a request must be served, as provided in the Code of Civil Procedure (chapter C-25.01), to the syndic, who may contest the request. If the executive committee rejects this request, no new request for relief may be submitted before the penalty expires.

Decision 2013-04-22, s. 10; I.N. 2016-01-01 (NCCP).

11. *(Omitted).*

Decision 2013-04-22, s. 11.

Decision 2013-04-22, 2013 G.O. 2, 1794