

## REGULATION RESPECTING THE INDEMNITY FUND OF THE COLLÈGE DES MÉDECINS DU QUÉBEC

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### **Medical Act**

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

### **Professional Code**

(R.S.Q., c. C-26, ss. 89 and 89.1)

### **DIVISION I**

#### CONSTITUTION OF FUND

1. The board of directors of the Collège des médecins du Québec shall establish an indemnity fund to be used to repay the amounts of money or other securities used by a physician for purposes other than those for which they had been delivered to him in the practice of his profession, including the payment of retainers.

O.C. 888-2006, s. 1.

### **DIVISION II**

#### COMPOSITION OF FUND

2. The fund shall be maintained at a minimum amount of \$50,000. It may consist of:

- (1) the sums of money allocated thereto by the board of directors;
- (2) assessments fixed for such purpose;
- (3) the sums of money recovered from physicians by subrogation or pursuant to section 159 of the Professional Code (R.S.Q., c. C-26);
- (4) the interest yielded by the sums of money constituting the fund;
- (5) the sums of money that may be paid by an insurance company under a group insurance policy taken out by the board of directors for all its members.

This amount is after deduction of the administrative costs related to this fund.

O.C. 888-2006, s. 2.

### **DIVISION III**

#### MANAGEMENT OF THE FUND

3. The board of directors shall administer the fund. It is authorized to conclude an insurance contract for the purposes of the fund and to pay the premiums out of this fund.

O.C. 888-2006, s. 3.

4. The fund accounting shall be separate from that of the Collège.

O.C. 888-2006, s. 4.

**5.** The sums of money constituting the fund shall be invested by the board of directors in the following way:

- (1) the portion of the sums that the board of directors anticipates using in the short term shall be deposited in a financial institution;
- (2) the other portion shall be invested in accordance with articles 1339 and 1340 of the Civil Code.

O.C. 888-2006, s. 5.

**DIVISION IV**

**CONDITIONS AND STANDARDS RELATING TO RECEIVING AND KEEPING**

**6.** The physician shall document any sum of money or other security that a patient delivers to him in the practice of his profession.

Moreover, he shall deposit these valuables in an account used specifically for this purpose.

O.C. 888-2006, s. 6.

**DIVISION V**

**CLAIMS ON THE FUND**

**7.** To be valid, a claim shall be filed in the course of the year during which the claimant becomes aware of utilization of the money or other securities for purposes other than those for which they had been given to the physician in the practice of his profession.

O.C. 888-2006, s. 7.

**8.** The time period prescribed in section 7 may be extended if the claimant demonstrates that for reasons beyond his control, he was unable to file a claim within the required time.

O.C. 888-2006, s. 8.

**9.** A claim in respect of a physician may be filed whether or not there has been a decision of the disciplinary council, the Professions Tribunal or any other competent court respecting him.

O.C. 888-2006, s. 9.

**10.** A claim shall:

- (1) be submitted in writing;
- (2) state the supporting facts;
- (3) indicate the amount claimed, with supporting evidence;
- (4) be sworn to.

O.C. 888-2006, s. 10.

**11.** A claim on the fund shall be sent to the secretary of the Collège.

O.C. 888-2006, s. 11.

**12.** The secretary shall enter the claim on the agenda of the first meeting of the board of directors following the date of its receipt.

O.C. 888-2006, s. 12.

**DIVISION VI**  
**INDEMNITY**

**13.** The board of directors shall decide whether it is expedient to allow a claim in whole or in part and, where applicable, shall set the indemnity. Its decision is final.

O.C. 888-2006, s. 13.

**14.** The maximum indemnity payable from the fund for a fiscal year of the Collège is \$50,000 for all claims in respect of a physician and \$15,000 per claimant.

If the total of claims accepted by the board of directors exceeds the \$50,000 indemnity, the indemnity shall be distributed proportionally to the amount of these claims.

The maximum indemnity shall be reconsidered every 5 years from 2 November 2006.

O.C. 888-2006, s. 14.

**15.** Before receiving the indemnity set by the board of directors, the claimant shall sign a discharge in favour of the Collège with subrogation of all his rights against the offending physician up to the amount of the indemnity.

O.C. 888-2006, s. 15.

**16.** *(Omitted).*

O.C. 888-2006, s. 16.

O.C. 888-2006, 2006 G.O. 2, 3465  
O.C. 398-2008, 2008 G.O. 2, 5493