

chapter M-9

**MEDICAL ACT**



*The Minister of Higher Education is responsible for the application of this Act. Order in Council 654-2020 dated 22 June 2020, (2020) 152 G.O. 2 (French), 2935.*

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## DIVISION I

### DEFINITIONS

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

(a) “Order” : the Ordre des médecins du Québec, constituted by this Act;

(b) “board of directors” : the board of directors of the Order;

(c) “physician” or “member of the Order” : any person entered on the roll;

(d) “permit” : a permit issued in accordance with the Professional Code (chapter C-26) and this Act;

(e) (*paragraph repealed*);

(f) “institution” : an institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5);

(f.1) “specialized medical centre” : a specialized medical centre within the meaning of section 333.1 of the Act respecting health services and social services (chapter S-4.2);

(g) “roll” : the list of the members in good standing of the Order, prepared in accordance with the Professional Code and this Act;

(h) “centre for assisted procreation” : a centre within the meaning of the Act respecting clinical and research activities relating to assisted procreation (chapter A-5.01).

1973, c. 46, s. 1; 1974, c. 65, s. 67; 1977, c. 5, s. 229; 1992, c. 21, s. 188; 1994, c. 40, s. 369; 1994, c. 23, s. 23; 2006, c. 43, s. 48; 2008, c. 11, s. 212; 2009, c. 30, s. 53.

## DIVISION II

### THE ORDRE DES MÉDECINS DU QUÉBEC

**2.** All the physicians qualified to practise the medical profession in Québec constitute a professional order called the “Collège des médecins du Québec” or the “Ordre professionnel des médecins du Québec” or the “Ordre des médecins du Québec”.

1973, c. 46, s. 2; 1977, c. 5, s. 229; 1994, c. 40, s. 370.

**3.** Subject to this Act, the Order and its members shall be governed by the Professional Code (chapter C-26).

1973, c. 46, s. 3.

**4.** The head office of the Order shall be at Montréal or at any other place in Québec determined by regulation of the board of directors adopted pursuant to paragraph *f* of section 93 of the Professional Code (chapter C-26).

1973, c. 46, s. 4; 1994, c. 40, s. 371; 2008, c. 11, s. 212.

**5.** Every proceeding directed against the Order must be served upon the secretary or one of his assistants at the head office of the Order.

1973, c. 46, s. 5.

**DIVISION III**

**THE BOARD OF DIRECTORS**

2008, c. 11, s. 212.

**6.** The Order shall be governed by a board of directors consisting of a president and 14 other directors.

1973, c. 46, s. 6; 1989, c. 27, s. 1; 2008, c. 11, s. 212; 2017, c. 11, s. 126.

**7.** Eleven directors shall be elected in the manner provided for in the Professional Code (chapter C-26).

Four other directors shall be appointed by the Office des professions du Québec in the manner provided in the Professional Code.

1973, c. 46, s. 7; 1974, c. 65, s. 109; 1994, c. 40, s. 372; 2017, c. 11, s. 127.

**8.** *(Repealed).*

1973, c. 46, s. 8; 1994, c. 40, s. 373.

**9.** The directors shall by secret ballot elect the president of the Order from among the elective directors.

An election for the office of president shall be held every four years at the first meeting of the board of directors following the first Wednesday in October.

The president is elected for a term of four years and may not serve more than two consecutive terms.

If a president is elected for a term exceeding his term as director, he shall cease to serve his term as president on the expiry of his term as director, unless he is re-elected as director. In such a case, he shall remain in office as president for the unexpired portion of his term as president.

1973, c. 46, s. 9; 1999, c. 40, s. 176; 2008, c. 11, s. 212; 2017, c. 11, s. 128.

**10.** Elections for the office of elective director shall be held on the first Wednesday in October every two years.

They shall provide for the replacement of those elective directors whose term is about to expire.

1973, c. 46, s. 10.

**11.** The choice of the directors appointed by the Office des professions du Québec shall be made at the same time as the elections for elected directors are held.

When this choice is made, provision shall be made to replace those appointed directors whose term is about to expire.

1973, c. 46, s. 11; 1974, c. 65, s. 109; 2017, c. 11, s. 129.

**12.** The directors shall be elected or appointed, as the case may be, for a term of four years.

1973, c. 46, s. 12; 2017, c. 11, s. 130.

**13.** Every two years, at the first meeting of the board of directors following the first Wednesday in October, the members of the board of directors shall by secret ballot designate a vice-president from among the elective directors.

At the same meeting, where an executive committee is constituted under section 96 of the Professional Code (chapter C-26), a member of the executive committee shall be designated by secret ballot of the members of the board of directors from among the members appointed by the Office and two other members shall be designated by secret ballot of the members of the board of directors from among the elective directors. The president and vice-president shall be members of the committee by virtue of office.

1973, c. 46, s. 13; 1974, c. 65, s. 68; 2008, c. 11, s. 212; 2017, c. 11, s. 131.

**14.** If the president is absent or unable to act, he shall be replaced by the vice-president.

1973, c. 46, s. 14; 1999, c. 40, s. 176.

**14.1.** The president or the person designated by the president may, on request, send to the Minister of Health and Social Services the information concerning physicians or holders of a registration certificate in medicine that the Minister considers necessary for the exercise of his functions, in particular for developing policies, medical staff planning, monitoring the implementation of those policies and that planning, and assessing applications for an approval, authorization or other decision that the Minister is empowered to make under the law in respect of the medical staff or any member of such staff.

2022, c. 16, s. 18.

**15.** In addition to the duties contemplated in the Professional Code (chapter C-26), the board of directors shall:

(a) advise the Minister of Health and Social Services on the quality of medical care provided in the centres operated by the institutions and the standards to be followed to improve the quality of such care;

(a.1) on its own initiative or at the Minister's request, advise the Minister of Health and Social Services on the quality and safety of specialized medical treatments provided in a specialized medical centre, and the standards to be followed to improve the quality and safety of the treatments;

(b) *(paragraph repealed)*;

(c) provide for the keeping of a register of medical students and of persons serving a professional training period or pursuing specialized studies and determine the formalities respecting entry in such register;

(d) *(paragraph repealed)*;

(e) give an opinion to the Minister of Health and Social Services, on its own initiative or at the request of the Minister, on the quality, safety and ethical nature of the assisted procreation activities carried out in a centre for assisted procreation, the professional competence of the physicians carrying out those activities and the standards to be adopted to improve the quality, safety and ethical nature of those activities.

1973, c. 46, s. 15; 1974, c. 65, s. 69; 1985, c. 23, s. 24; 1992, c. 21, s. 189, s. 375; 1994, c. 40, s. 374; 2006, c. 43, s. 49; 2008, c. 11, s. 195, s. 212; 2009, c. 30, s. 54.

**16.** In the performance of the duties assigned to it by paragraphs *a*, *a.1* and *e* of section 15, the board of directors may have inquiries made into the quality of the medical care provided in the centres operated by the institutions, the quality and safety of the activities carried out in centres for assisted procreation or the quality and safety of the medical treatments provided in specialized medical centres, and may constitute a committee of inquiry for that purpose.

1973, c. 46, s. 16; 1992, c. 21, s. 190, s. 375; 2006, c. 43, s. 50; 2008, c. 11, s. 212; 2009, c. 30, s. 55.

**17.** It is forbidden to hinder a member of a committee of inquiry constituted under section 16 in the performance of his duties, in any way, to mislead him by concealment or false declarations or refuse to provide him with any information or document relating to an inquiry which he holds under this Act.

Every person who contravenes this section is guilty of an offence and liable to the penalties provided in section 188 of the Professional Code (chapter C-26).

1973, c. 46, s. 17.

**18.** The board of directors may hold an inquiry on any matter related to medical deontology, the discipline of the members of the Order and the dignity of the profession.

For the purposes of that inquiry, the board of directors shall delegate a member of the Order who may obtain from any physician, institution or patient all information he deems useful, without any of them being entitled to invoke professional secrecy.

On refusal to answer or to file any document in connection with the inquiry or to allow the taking of copy of such a document, the Order may obtain, on an application duly served on the interested party, an order of the Superior Court equivalent to an order for contempt of court.

1973, c. 46, s. 18; 1974, c. 65, s. 70; 1992, c. 21, s. 375; 2008, c. 11, s. 212; I.N. 2016-01-01 (NCCP).

**18.1.** The board of directors shall, on request or on its own initiative, send the information obtained by a committee of inquiry, the professional inspection committee or a syndic to the council of physicians, dentists and pharmacists of the institution to which a physician contemplated in an inquiry is attached, that it believes useful to the exercise of the functions of the council.

1981, c. 22, s. 35; 1984, c. 47, s. 210; 1992, c. 21, s. 375; 2008, c. 11, s. 196, s. 212.

**18.2.** The board of directors may verify the quality of activities referred to in the second paragraph of section 31 engaged in by persons authorized by a regulation of the board of directors.

For that purpose, a committee or a member of the Order designated by the board of directors may obtain from the authorized persons and the physicians with whom they work or from any institution operating a centre in which such activities are engaged in, any information the committee or member considers useful that is directly related to those activities, and professional secrecy may not be invoked by any of them.

Where the authorized persons are professionals, the board of directors, if it considers it necessary, shall transmit the verification report to the professional order concerned.

2002, c. 33, s. 15; 2008, c. 11, s. 212.

**19.** In addition to the duties provided in sections 87 to 93 of the Professional Code (chapter C-26), the board of directors shall by regulation:

(a) *(paragraph repealed)*;

(b) determine among the activities referred to in the second paragraph of section 31 those which, under certain prescribed conditions, may be engaged in by classes of persons other than physicians; for that purpose, the board of directors may, in the regulation, establish an advisory committee;

(c) determine the conditions and formalities applicable to the issue of a registration certificate to a medical student or a person serving a professional training period or pursuing specialized studies, together with the causes for and the conditions and formalities applicable to the revocation of such a certificate;

(d) determine the standards relating to the form and content of verbal or written prescriptions made by a physician.

The board of directors shall, before passing a regulation under subparagraph *b* of the first paragraph, consult the Office des professions du Québec and the professional orders to which the persons contemplated by such regulation belong or, if there are no such orders, the representative bodies of such classes of persons.

## PHYSICIANS

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Sections 95.2 and 95.3 of the Professional Code apply to the regulation adopted pursuant to subparagraph *d* of the first paragraph.

1973, c. 46, s. 19; 1974, c. 65, s. 71, s. 109; 1994, c. 40, s. 375; 1999, c. 24, s. 19; 2000, c. 13, s. 69; 2002, c. 33, s. 16; 2008, c. 11, s. 212.

**20.** In addition to the powers provided for in section 94 of the Professional Code (chapter C-26), the board of directors may by regulation make rules respecting the training of physicians who wish to practise acupuncture.

1977, c. 66, s. 27; 1989, c. 27, s. 2; 1994, c. 40, s. 376; 1994, c. 37, s. 19; 2008, c. 11, s. 212.

**21.** *(Repealed).*

1977, c. 66, s. 27; 1986, c. 112, s. 1; 1994, c. 37, s. 20.

**22.** *(Repealed).*

1973, c. 46, s. 20; 1974, c. 65, s. 109; 1977, c. 66, s. 28; 1989, c. 27, s. 3; 1994, c. 40, s. 377.

**23.** *(Repealed).*

1973, c. 46, s. 21; 1974, c. 65, s. 72; 1983, c. 54, s. 49; 1994, c. 40, s. 377.

**24.** *(Repealed).*

1973, c. 46, s. 22; 1994, c. 40, s. 377.

## DIVISION IV

### SECRETARY OF THE ORDER

**25.** The board of directors shall choose the secretary from among the members of the Order.

The term of office of the secretary shall not be limited; it may be terminated:

- (a) by the resignation of the secretary;
- (b) by a resolution of the board of directors passed by a majority of two-thirds of its members.

The board of directors may also appoint one or more assistant secretaries of the Order and determine their functions.

1973, c. 46, s. 23; 1974, c. 65, s. 73; 2008, c. 11, s. 212.

**26.** The secretary shall act as secretary of the Order, of the board of directors and of the executive committee.

He shall be the depositary of the records of the Order.

1973, c. 46, s. 24; 2008, c. 11, s. 212.

**27.** Every certificate bearing the signature of the secretary or of an assistant secretary shall be authentic.

1973, c. 46, s. 25.

**DIVISION V**

REGISTRATION

**28.** Registration of a medical student or of a person serving a professional training period or pursuing specialized studies shall be established by a certificate issued by the secretary of the Order.

1973, c. 46, s. 26; 1974, c. 65, s. 74.

**29.** A medical student is entitled to a registration certificate if he:

(a) is a bachelor of arts or science of a university of Québec or of another university whose diploma is considered equivalent by the board of directors; or

(b) is the holder of a diploma of college studies awarded by the Minister of Higher Education, Research, Science and Technology or a university of Québec or of a diploma considered equivalent by the board of directors; and

(c) has fulfilled the conditions and formalities determined by regulation under subparagraph *c* of the first paragraph of section 19.

A person serving a professional training period or pursuing specialized studies who has fulfilled the conditions and formalities determined by regulation under subparagraph *c* of the first paragraph of section 19 is also entitled to a registration certificate.

1973, c. 46, s. 27; 1974, c. 65, s. 75; 1985, c. 21, s. 96; 1988, c. 41, s. 88; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2000, c. 13, s. 70; 2005, c. 28, s. 195; 2008, c. 11, s. 212; 2013, c. 28, s. 201.

**30.** The board of directors may revoke a registration certificate in accordance with the regulations made under subparagraph *c* of the first paragraph of section 19.

1973, c. 46, s. 28; 2008, c. 11, s. 212.

**DIVISION VI**

PRACTICE OF MEDICINE

**31.** The practice of medicine consists in assessing and diagnosing any health deficiency in a person in interaction with their environment, in preventing and treating illness to maintain or restore health or to provide appropriate symptom relief.

The following activities in the practice of medicine are reserved to physicians:

- (1) diagnosing illnesses;
- (2) prescribing diagnostic examinations;
- (3) using diagnostic techniques that are invasive or entail risks of injury;
- (4) determining medical treatment;
- (5) prescribing medications and other substances;
- (6) prescribing treatment;

(7) using techniques or applying treatments that are invasive or entail risks of injury, including aesthetic procedures;

(8) providing clinical monitoring of the condition of patients whose state of health is problematic;

(9) providing pregnancy care and conducting deliveries;

(10) making decisions as to the use of restraint measures;

(11) deciding to use isolation 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

(12) administering the drug or substance allowing an end-of-life patient to obtain medical aid in dying under the Act respecting end-of-life care (chapter S-32.0001).

1973, c. 46, s. 29; 2002, c. 33, s. 17; 2009, c. 28, s. 15; 2014, c. 2, s. 69.

**32.** *(Repealed).*

1973, c. 46, s. 30; 2002, c. 33, s. 18.

**33.** Every person is entitled to obtain a permit who applies therefor and who:

(a) holds a registration certificate;

(b) *(subparagraph repealed)*;

(c) *(subparagraph repealed)*;

(d) has complied with the conditions and formalities imposed under the Professional Code (chapter C-26).

Subparagraph *a* of the first paragraph does not apply to an applicant

(1) holding a diploma awarded by an educational institution situated outside Québec whose equivalence has been recognized under a regulation made under paragraph *c* of section 93 of the Professional Code, unless the applicant was required, under that regulation, to successfully complete a course or training period in order to obtain recognition of the equivalence;

(2) having obtained recognition of an equivalence from the board of directors under a regulation made under paragraph *i* of section 94 of the Professional Code, unless the applicant was required, under that regulation, to successfully complete a course or training period in order to obtain recognition of the equivalence.

1973, c. 46, s. 31; 1994, c. 40, s. 378; 2000, c. 13, s. 71; 2008, c. 11, s. 197.

**34.** The board of directors may issue, on the conditions it determines, a temporary permit to any person who does not fulfil the conditions prescribed in section 33, but is engaged as a professor of health sciences in a university of Québec. Such permit shall be valid for the term of the engagement of such person as a professor.

1973, c. 46, s. 32; 1994, c. 40, s. 379; 2008, c. 11, s. 212; 2009, c. 35, s. 57.

**35.** The board of directors may, on the conditions it determines, grant to any person who does not fulfil the conditions prescribed in section 33 a restrictive permit which shall be annual and renewable.

The holder of such permit shall not perform professional acts other than those specifically authorized by his permit.

1973, c. 46, s. 33; 2008, c. 11, s. 212.



**36.** *(Repealed).*

1973, c. 46, s. 34; 1994, c. 40, s. 380.

**37.** Every holder of a permit is entitled to a specialist's certificate who applies therefor and who:

(a) is the holder of a registration certificate;

(b) *(subparagraph repealed)*;

(c) has complied with the conditions and formalities imposed in accordance with the Professional Code (chapter C-26).

Subparagraph *a* of the first paragraph does not apply to an applicant

(1) holding a diploma awarded by an educational institution situated outside Québec whose equivalence has been recognized under a regulation made under paragraph *c* of section 93 of the Professional Code, unless the applicant was required, under that regulation, to successfully complete a course or training period in order to obtain recognition of the equivalence;

(2) having obtained recognition of an equivalence from the board of directors under a regulation made under paragraph *i* of section 94 of the Professional Code, unless the applicant was required, under that regulation, to successfully complete a course or training period in order to obtain recognition of the equivalence.

1973, c. 46, s. 35; 1994, c. 40, s. 381; 2000, c. 13, s. 72; 2008, c. 11, s. 198.

**38.** Every physician may use the medication, substances and instruments that he may need in the practice of his profession, and administer and prescribe medication for his patients.

He may also issue attestations relating to the supplying of medication.

1973, c. 46, s. 36.

**39.** No physician may sell prostheses other than contact lenses.

Nor may a physician have a direct or indirect interest in an undertaking for the manufacture or sale of any prosthesis. If an interest in such an undertaking devolves to him by succession or otherwise, he shall dispose of it immediately.

1973, c. 46, s. 37.

**40.** No physician may prescribe, administer or supply any medication of which he refuses to reveal to the board of directors the exact qualitative or quantitative composition or that he refuses to submit to the analyses required by the board of directors.

1973, c. 46, s. 38; 2008, c. 11, s. 212.

**40.1.** No physician may, in any manner, claim to be an acupuncturist or use any title, abbreviation or initials which may lead to the belief that he is an acupuncturist, unless he has received training consistent with the rules made under section 20.

1994, c. 37, s. 22.

**41.** No person may practise medicine under a name other than his own.

Nevertheless, physicians shall be allowed to practise their profession under the name of one or two or more of the partners.

1973, c. 46, s. 39.

**42.** No physician may be compelled to declare what has been revealed to him in his professional character.

1973, c. 46, s. 40.

**42.1.** Where a member of a professional order is authorized, by a regulation of the board of directors under subparagraph *b* of the first paragraph of section 19, to engage in an activity referred to in the second paragraph of section 31 and the member intends to engage in the activity outside a centre operated by an institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or of the Act respecting health services and social services for Cree Native persons (chapter S-5), the physician working with the professional shall transmit to the board of directors a proposal concerning the local conditions under which the activity may be engaged in; the proposal must be authorized by the board of directors.

The secretary of the Collège shall inform the professional order concerned of the conditions that have been authorized.

The physician working with the professional shall supervise the manner in which the activity is carried on by the authorized professional.

2002, c. 33, s. 19; 2008, c. 11, s. 212.

## DIVISION VII

### ILLEGAL PRACTICE OF MEDICINE

**43.** Subject to the rights and privileges expressly granted by law to other professionals, no person may engage in any activity described in the second paragraph of section 31, unless he is a physician.

This section does not apply to the activities engaged in:

(a) by a person in accordance with the provisions of a regulation adopted pursuant to paragraph *h* of section 94 of the Professional Code (chapter C-26);

(b) by persons who, by reason of their duties or training, assist the sick gratuitously under special circumstances;

(c) *(subparagraph repealed)*;

(d) by a person belonging to a class of persons contemplated in a regulation adopted pursuant to subparagraph *b* of the first paragraph of section 19, provided he engages in them under the conditions prescribed in the regulation;

(e) *(subparagraph repealed)*;

(f) by students as part of a training program for persons referred to in the regulations made under subparagraph *b* of section 19, provided they engage in them under the conditions prescribed in the regulation.

1973, c. 46, s. 41; 1974, c. 65, s. 76; 1977, c. 66, s. 29; 1984, c. 27, s. 78; 1994, c. 40, s. 382; 1994, c. 37, s. 23; 1999, c. 24, s. 20; 2000, c. 13, s. 73; 2002, c. 33, s. 20; 2009, c. 35, s. 58.

**44.** *(Repealed)*.

1977, c. 66, s. 30; 1994, c. 37, s. 24.

**45.** Every person who contravenes any provision of section 43 is liable, for each offence, to the penalties provided in section 188 of the Professional Code (chapter C-26).

1973, c. 46, s. 42; 1977, c. 66, s. 31; 1994, c. 37, s. 25.

#### **DIVISION VIII**



*This Division ceased to have effect on 17 April 1987.*

**46.** *(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.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 46 of the statutes of 1973, in force on 31 December 1977, is repealed, except sections 43 to 53 and 56, effective from the coming into force of chapter M-9 of the Revised Statutes.