

NEWSLETTER 5.2

Regulations or by-laws

Translation of annotated extracts from:

LA MISE EN PLACE D'UN ORDRE PROFESSIONNEL, Document d'information

Office des professions du Québec, December 2010 (p. 20 to 26)

The regulations or by-laws are currently being drafted, but it will be up to the Board of Directors of the professional order to validate and ratify them when creating the order.

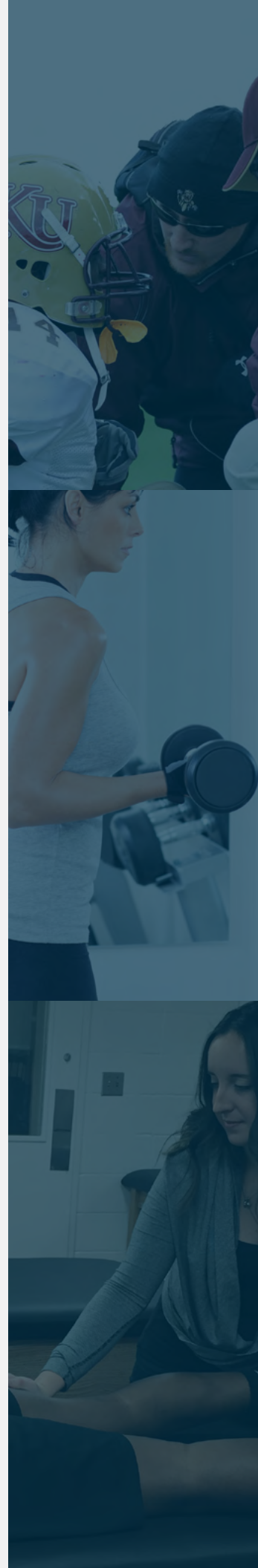
3.4 Regulations or By-laws to Be Adopted

A priority task for a new professional order is to adopt **the regulations or by-laws that are to be used to govern access to and the practice of the profession**. The Order has the duty to proceed with a certain number of subjects, i.e., those that are the most important in ensuring the protection of the public. Regarding other subjects, the order may consider it appropriate to do so, given the context involved.

3.4.1 Mandatory Regulations or By-laws

The Order must set requirements with respect to the following main subjects:

- The **Code of Ethics**, which shall impose general and special duties on the professionals towards the public, their clients and their profession, particularly the duty to discharge their professional obligations with integrity;
- **The equivalence standards for diplomas or training and the recognition procedure**, with the required diplomas being determined in principle not by the order but by the government, based on the recommendation of the order and of the Office;
- **The composition, the number of members and the procedure of the professional inspection committee**;
- **The standards pertaining to charting, keeping of records, books, products or substances**;
- **The arbitration procedure for professional fee accounts**;
- **Professional liability insurance**;
- - The setting up of a compensation fund to be used to reimburse the money or other security used by a professional for purposes other than those for



which they were given to him or her, insofar as the order has authorized its members to hold monies or property for the account of a client or another person.

This last regulation does not apply to the field of athletic therapy.

It should be noted that all these “mandatory” regulations or by-laws will need to be sent to the Office for review as soon as they have been adopted by the Board of Directors. The Office may then approve, with or without amendment, most of those given as an example, apart from the Code of Ethics, in particular, which must be submitted, with the recommendation of the Office, to the government, which may approve it, also with or without amendment. This tempering of the Order’s autonomy is justified by the importance of these regulations or by-laws for the protection of the public.

3.4.2 Optional Regulations or By-laws

Depending on the context and the needs, an order may also find it important to take advantage of the opportunity it has been given to govern certain other subjects, such as:

- Determining categories of permits on the basis of the professional activities that certain members may engage in or the titles they may use, and setting their conditions and restrictions;
- Defining different classes of specialization;

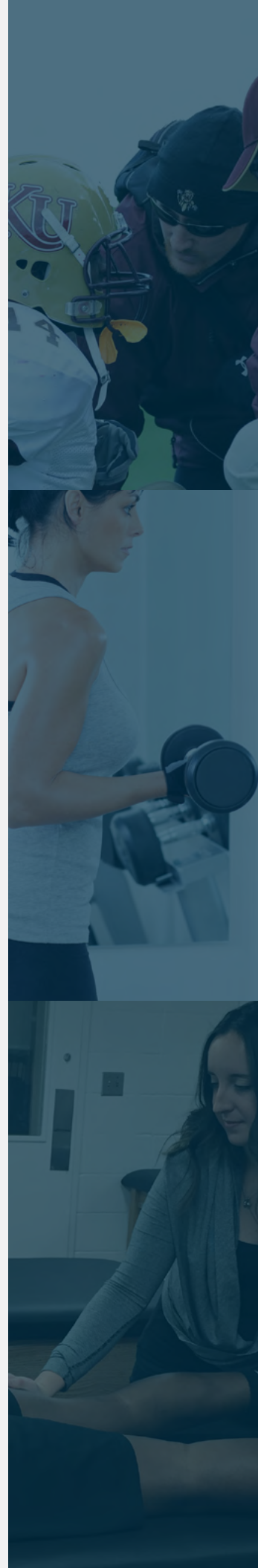
Does not apply to us, unless other professions eventually join our order.

- Determining, besides the diploma determined by the government, other terms and conditions for issuing permits to practise the profession or specialist’s certificates, such as passing an examination or completing a period of refresher training;

In the Québec professional system, professional orders may decide to require applicants to pass an examination in order to obtain their permit. If the Ordre des thérapeutes du sport decides to go in this direction, discussions with CATA would be appropriate in order to have this exam approved by the national association so that Québec members will not need to take two different exams.

- Determining the continuing education requirements or the framework for those requirements;

In the Ordre des thérapeutes du sport, we shall keep the continuing education



requirements currently in force within the profession. Certain details will still need to be established once the order has been put in place, but the requirements shall remain mandatory for maintaining the permit.

- Determining from among the professional activities that may be engaged in by members of the order, those that may be engaged in by persons who are not members, and setting the terms and conditions of authorization;

This regulation refers to the students, professors and supervisors of recognized refresher training programs whose diplomas give the holder the right to receive a permit from the order.

- Determining which authorizations to practise the profession issued outside Québec may give access to a permit to practise or to a specialist's certificate, and setting their conditions;
- Establishing special permits and, in particular, stipulating their conditions and the activities that the holders will be able to engage in;
- Authorizing, under the terms and conditions provided for, members to practise within a joint-stock company or a limited liability partnership

These regulations, like the “mandatory” regulations, are to be submitted for review to the Office, which may, in the case of those pertaining to continuing education or to special permits, for instance, approve them, with or without amendment, or, in the case of the others, forward them, with its recommendation, to the government, which may also approve them with or without amendment.

