

**Ministerial Order 2020-087 of the Minister of Health and Social Services
dated 4 November 2020**

Public Health Act
(chapter S-2.2)

Ordering of measures to protect the health
of the population amid the COVID-19 pandemic
situation

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THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 118 of the Public Health Act (chapter S-2.2), which provides that the Government may declare a public health emergency in all or part of the territory of Québec where a serious threat to the health of the population, whether real or imminent, requires the immediate application of certain measures provided for in section 123 of the Act to protect the health of the population;

CONSIDERING Order in Council 177-2020 dated 13 March 2020 declaring a public health emergency throughout Québec for a period of 10 days;

CONSIDERING that that Order in Council also provides that the Minister of Health and Social Services may take any measure needed to ensure that the health and social services network has the necessary human resources;

CONSIDERING that the public health emergency was renewed until 29 March 2020 by Order in Council 222-2020 dated 20 March 2020, until 7 April 2020 by Order in Council 388-2020 dated 29 March 2020, until 16 April 2020 by Order in Council 418-2020 dated 7 April 2020, until 24 April 2020 by Order in Council 460-2020 dated 15 April 2020, until 29 April 2020 by Order in Council 478-2020 dated 22 April 2020, until 6 May 2020 by Order in Council 483-2020 dated 29 April 2020, until 13 May 2020 by Order in Council 501-2020 dated 6 May 2020, until 20 May 2020 by Order in Council 509-2020 dated 13 May 2020, until 27 May 2020 by Order in Council 531-2020 dated 20 May 2020, until 3 June 2020 by Order in Council 544-2020 dated 27 May 2020, until 10 June 2020 by Order in Council 572-2020 dated 3 June 2020, until 17 June 2020 by Order in Council 593-2020 dated 10 June 2020, until 23 June 2020 by Order in Council 630-2020 dated 17 June 2020, until 30 June 2020 by Order in Council 667-2020 dated 23 June 2020, until 8 July 2020 by Order in Council 690-2020 dated 30 June 2020, until 15 July 2020 by Order in Council 717-2020 dated 8 July 2020, until 22 July 2020 by Order in Council 807-2020 dated 15 July 2020, until 29 July 2020 by Order in Council 811-2020 dated 22 July 2020, until 5 August 2020 by Order in Council 814-2020 dated 29 July 2020, until 12 August 2020 by Order in Council 815-2020 dated 5 August 2020, until 19 August 2020 by Order in Council 818-2020 dated 12 August 2020, until 26 August 2020 by Order in Council 845-2020 dated 19 August 2020, until 2 September 2020 by Order in Council 895-2020 dated 26 August 2020, until 9 September 2020 by Order in Council 917-2020 dated 2 September 2020, until 16 September 2020 by Order in Council 925-2020 dated 9 September 2020, until 23 September 2020 by Order in Council 948-2020 dated 16 September 2020, until 30 September 2020 by Order in Council 965-2020 dated 23 September 2020, until 7 October 2020 by Order in Council 1000-2020 dated 30 September 2020, until 14 October 2020 by Order in Council 1023-2020 dated 7 October 2020, until 21 October 2020 by Order in Council 1051-2020 dated 14 October 2020, until 28 October 2020 by Order in Council 1094-2020 dated 21 October 2020; until 4 November 2020 by Order in Council 1113-2020 dated 28 October 2020 and until 11 November 2020 by Order in Council 1150-2020 dated 4 November 2020;

CONSIDERING that Ministerial Order 2020-039 dated 22 May 2020 provides for the possibility of certain professionals contributing to COVID-19 screening;

CONSIDERING that Order in Council 1020-2020 dated 30 September 2020, amended by Ministerial Orders 2020-074 dated 2 October 2020, 2020-077 dated 8 October 2020, 2020-079 dated 15 October 2020, 2020-080

dated 21 October 2020, 2020-081 dated 22 October 2020, 2020-084 dated 27 October 2020, 2020-085 dated 28 October 2020 and 2020-086 dated 1 November 2020, and by Order in Council 1039-2020 dated 7 October 2020, provides for, among other things, despite any provision to the contrary of an Order in Council or a Ministerial Order made under section 123 of the Public Health Act, certain special measures applicable in certain territories;

CONSIDERING that Order in Council 1150-2020 dated 4 November 2020 also empowers the Minister of Health and Social Services to take any of the measures provided for in subparagraphs 1 to 8 of the first paragraph of section 123 of the Public Health Act;

CONSIDERING that it is expedient to order certain measures to protect the health of the population;

ORDERS AS FOLLOWS:

THAT a midwife be authorized to perform, even without a prescription, the COVID-19 screening test;

THAT the following professionals practising within a health and social services institution be authorized to take the samples necessary for the COVID-19 screening test, on the condition they have undergone training for that purpose provided under the authority of the director of nursing care of such an institution and when a nurse, physician, respiratory therapist, nursing assistant or medical technologist is present on the premises where the sample is taken:

(1) acupuncturists;

(2) hearing-aid acousticians;

(3) chiropractors;

(4) denturologists;

- (5) occupational therapists;
- (6) veterinarians;
- (7) dispensing opticians;
- (8) optometrists;
- (9) pharmacists;
- (10) podiatrists;
- (11) medical electrophysiology technologists;
- (12) medical imaging technologists;
- (13) physiotherapy technologists; and
- (14) prosthetic and dental prosthesis technologists;

THAT the following persons employed by a health and social services institution be authorized to take the samples necessary for the COVID-19 screening test, on the condition they have undergone training for that purpose provided under the authority of the director of nursing care of such an institution and are under the supervision of a nurse, physician, respiratory therapist, nursing assistant or medical technologist who must be present on the premises where the sample is taken:

- (1) nursing externs;

(2) candidates to the nursing profession;

(3) candidates to the nursing assistant profession;

(4) respiratory therapist externs;

(5) medical technology externs;

(6) students and residents in medicine referred to respectively in sections 3 and 10 of the Regulation respecting professional activities that may be engaged in by persons other than physicians (chapter M-9, r. 12.1);

(7) students enrolled in the third or fourth year of a university undergraduate program of studies giving access to a licence to practise pharmacy;

(8) students enrolled in the final two years of a university undergraduate program of studies giving access to a licence to practise dentistry;

(9) students enrolled in the third or fourth year of a university undergraduate program of studies giving access to a licence to practise midwifery;

(10) students enrolled in the vocational studies program whose diploma gives access to the permit to practise the nursing or assistant nursing profession, having acquired competency units 1 to 8;

(11) students enrolled in the last year of a college program of studies or in the first year of a university undergraduate program of studies leading to a diploma giving access to licences or permits to practise the following professions, or in a graduate program of such university studies:

(a) acupuncturists;

(b) hearing-aid acousticians;

(c) chiropractors;

(d) dietitian-nutritionists;

(e) dental hygienists;

(f) occupational therapists;

(g) nurses;

(h) respiratory therapists;

(i) speech therapists;

(j) physiotherapists;

(k) podiatrists;

(l) medical technologists; and

(m) physiotherapy technologists;

THAT the ambulance technicians registered in the national workforce registry, who hold a current ambulance technician qualification certificate and who are employed by a health and social services institution, be authorized to take the samples necessary for the COVID-19 screening test, on the condition they have undergone training for that purpose provided under the authority of the director of nursing care of such an institution;

THAT the national medical director of pre-hospital emergency services may issue, without cost or requirement to complete an integration or training program, a special public health emergency authorization allowing the following persons, on the following conditions, to take the samples necessary for the COVID-19 screening test:

(1) students in the third year of a program of college studies in pre-hospital emergency care, on the condition they have undergone training for that purpose provided under the authority of the director of nursing care of a health and social services institution and are under the supervision of a nurse, physician, respiratory therapist, nursing assistant or medical technologist who must be present on the premises where the sample is taken;

(2) persons under 70 years of age who are registered in the national workforce registry and who have been non-active for less than 5 years, on the condition they have undergone training for that purpose provided under the authority of the director of nursing care of a health and social services institution;

(3) enhanced first responders performing duties in a territory for which, under the third paragraph of section 39 of the Act respecting pre-hospital emergency services (chapter S-6.2), an integrated health and social services centre, the Régie régionale de la santé et des services sociaux de la Baie James or the Cree Board of Health and Social Services of James Bay, as applicable, in its three-year pre-hospital emergency service organization plan, has assigned additional functions to a first responder service in relation to those assigned by that Act, on the condition they have undergone training for that purpose provided under the authority of the director of nursing care of a health and social services institution;

THAT, in addition to the conditions set out in the preceding paragraph, the national medical director of pre-hospital emergency services may determine any additional conditions to be complied with by a person to whom a special authorization is given to perform those duties;

THAT in addition to the provisions of Ministerial Order 2020-028 dated 25 April 2020 and despite any provision of the collective agreements applicable to the personnel of Hydro-Québec and Revenu Québec, the personnel members of those bodies may be redeployed to perform other duties or functions within a government department or body providing services to the population in connection with the COVID-19 pandemic, even if the level of employment applicable to the personnel members is not respected for the duties assigned to them;

THAT all the other employment conditions of redeployed personnel members, including wage rate or salary rate and regular workweek used to calculate remuneration and overtime, except the work schedule, be those provided for in the collective agreements applicable to the personnel working within those government bodies;

THAT the personnel members redeployed retain the employment relationship with their government body throughout the redeployment;

THAT the personnel members redeployed be deemed, throughout the redeployment, to hold their position on the same conditions as if they had performed the duties within their government body, in particular for the purpose of accumulating vacation time, paid holidays, sick leave days, seniority, experience and continuous service;

THAT redeployed personnel members retain, throughout the redeployment, the right to apply for and obtain a position in accordance with the employment conditions applicable to them within their government body;

THAT all the personnel of those bodies may be redeployed, except the personnel whose work duties are held to be essential to maintain services, having regard to the evolution of the public health emergency, by the chief executive officer of their government agency;

THAT the management personnel and non-unionized personnel of those bodies may be redeployed in accordance with the conditions set out in this Order, with the necessary modifications;

THAT Order in Council 1020-2020 dated 30 September 2020, amended by Ministerial Orders 2020-074 dated 2 October 2020, 2020-077 dated 8 October 2020, 2020-079 dated 15 October 2020, 2020-080 dated 21 October 2020, 2020-081 dated 22 October 2020, 2020-084 dated 27 October 2020, 2020-085 dated 28 October 2020 and 2020-086 dated 1 November 2020, and by Order in Council 1039-2020 dated 7 October 2020, be further amended by inserting "except the Communauté maritime des Îles-de-la-Madeleine, and" after "Gaspésie—Îles-de-la-Madeleine," in the portion before subparagraph 1 of the ninth paragraph of the operative part;

THAT the third paragraph of the operative part of Ministerial Order 2020-039 dated 22 May 2020 be revoked;

THAT the fourteenth paragraph of the operative part of this Order take effect on 6 November 2020.

Québec, 4 November 2020

CHRISTIAN DUBÉ
Minister of Health and Social Services