

chapter T-5, r. 12

Regulation respecting the conciliation and arbitration procedure for the accounts of medical imaging technologists, radiation oncology technologists and medical electrophysiology technologists

Act respecting medical imaging technologists, radiation oncology technologists and medical electrophysiology technologists
(chapter T-5, s. 3).

Professional Code
(chapter C-26, s. 88).

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SCHEDULE I

SCHEDULE II

DIVISION I

CONCILIATION

1. A client who has a dispute with a member of the Ordre des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec concerning the amount of an unpaid account for professional services for which no proceedings have been instituted may file a written application for conciliation with the syndic of the Ordre des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec.

O.C. 1699-93, s. 1.

2. A client who has a dispute with a member of the Ordre des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec concerning the amount of an account for professional services that he has already paid in whole or in part may file a written application for conciliation within 60 days from the date of receipt of the account.

Where, in payment of the account, an amount has been withdrawn or withheld by the member from the funds that he holds or receives for or on behalf of the client, the period runs from the day on which the client becomes aware of the withdrawal or withholding.

O.C. 1699-93, s. 2.

3. A member may not institute proceedings to recover an account for professional services before the expiry of 60 days from the date of receipt of the account by the client.

O.C. 1699-93, s. 3.

4. Within 3 days of receiving an application for conciliation, the syndic shall notify the member concerned and shall also send the client a copy of this Regulation.

Once the syndic has received the application for conciliation, the member may not institute proceedings to recover his account so long as the dispute may be settled by conciliation or arbitration.

Notwithstanding the foregoing, a member may request provisional measures in accordance with article 623 of the Code of Civil Procedure (chapter C-25.01).

O.C. 1699-93, s. 4; I.N. 2016-01-01 (NCCP).

5. The syndic shall proceed with the conciliation using the procedure he considers most appropriate.

O.C. 1699-93, s. 5.

6. Any agreement reached during conciliation shall be put in writing, shall be signed by the client and the medical imaging technologist, radiation oncology technologist or medical electrophysiology technologist and shall be filed with the secretary of the Order.

O.C. 1699-93, s. 6.

7. Where conciliation does not lead to an agreement within 30 days from the date of receipt of the application for conciliation, the syndic shall send a report on the dispute to the client and to the member by registered mail.

The report shall contain the following information, where applicable:

- (1) the amount of the account in dispute;
- (2) the amount that the client acknowledges owing;

(3) the amount that the member acknowledges having to reimburse or is willing to accept as a settlement of the dispute;

(4) the amount suggested by the syndic during conciliation as a payment to the member or as a reimbursement to the client.

The syndic shall send the client the form in Schedule I and shall indicate to him the procedure and deadline for submitting the dispute to arbitration.

O.C. 1699-93, s. 7; I.N. 2016-01-01 (NCCP).

DIVISION II

ARBITRATION

§ 1. — *Application for arbitration*

8. Within 20 days of receiving the conciliation report, the client may apply for arbitration of the account by sending the form in Schedule I by registered mail to the secretary of the Ordre des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec.

A copy of the conciliation report shall accompany the client's application for arbitration.

O.C. 1699-93, s. 8; I.N. 2016-01-01 (NCCP).

9. Within 3 days of receiving an application for arbitration, the secretary of the Order shall notify the member concerned.

O.C. 1699-93, s. 9.

10. A client who wishes to withdraw his application for arbitration shall so notify the secretary of the Order in writing.

O.C. 1699-93, s. 10.

11. A member who acknowledges having to reimburse an amount to a client shall deposit that amount with the secretary of the Order, who shall then remit it to the client.

In such case, the arbitration shall proceed and shall pertain only to the amount still in dispute.

O.C. 1699-93, s. 11.

12. Any agreement reached by the parties after the application for arbitration has been filed shall be put in writing, shall be signed by the parties and shall be filed with the secretary of the Order. Where the parties reach an agreement after a council of arbitration has been formed, the agreement shall be recorded in the arbitration award.

O.C. 1699-93, s. 12.

§ 2. — *Council of arbitration*

13. The council of arbitration shall be composed of 3 arbitrators where the amount in dispute is \$500 or more, and of a single arbitrator where the amount is less than \$500.

O.C. 1699-93, s. 13.

14. The executive committee shall appoint the member or members of the council of arbitration from among the members of the Order and, if the council is composed of 3 arbitrators, shall designate the chair and the secretary thereof.

O.C. 1699-93, s. 14.

15. The secretary of the Order shall inform the arbitrators and the parties, by registered mail, that the council of arbitration has been formed.

O.C. 1699-93, s. 15; I.N. 2016-01-01 (NCCP).

16. A request that an arbitrator be recused may be filed only for a reason provided for in article 202 of the Code of Civil Procedure (chapter C-25.01), except for paragraph 5 of that article. The request shall be sent in writing to the secretary of the Order, to the council of arbitration and to the parties or their advocates within 10 days of receipt of the notice provided for in section 15 or of the day on which the reason for the request becomes known.

The executive committee shall decide the request and, where applicable, shall see that the arbitrator is replaced.

O.C. 1699-93, s. 16; I.N. 2016-01-01 (NCCP).

17. Before acting, the members of the council of arbitration shall take the oath in Schedule II to this Regulation.

O.C. 1699-93, s. 17.

18. Should an arbitrator die or be unable to act, the other arbitrators shall see the matter through.

If the council of arbitration consists of a single arbitrator, he shall be replaced by a new arbitrator appointed by the executive committee, and the dispute shall be reheard.

O.C. 1699-93, s. 18.

§ 3. — *Hearing*

19. The secretary of the Order shall give the council of arbitration and the parties or their advocates at least 10 days' written notice of the date, time and place of the hearing.

O.C. 1699-93, s. 19.

20. The parties are entitled to be assisted by an advocate.

O.C. 1699-93, s. 20.

21. The council of arbitration may order the parties to submit to the council a statement of their claims and any necessary documents within a given time.

O.C. 1699-93, s. 21.

22. The council of arbitration shall promptly hear the parties, receive their evidence or record any failure on their part. For those purposes, it shall follow the procedure it considers most appropriate.

O.C. 1699-93, s. 22.

23. A party requesting that the testimony be recorded shall assume the cost thereof.

O.C. 1699-93, s. 23.

24. Should an arbitrator die or be unable to act, the other arbitrators, provided that they constitute an absolute majority on the council of arbitration, shall see the matter through, and their decision shall be valid.

If the council of arbitration consists of a single arbitrator, he shall be replaced by a new arbitrator appointed by the executive committee, and the dispute shall be reheard.

O.C. 1699-93, s. 24.

§ 4. — *Arbitration award*

25. The council of arbitration shall issue its award within 45 days of the end of the hearing.

O.C. 1699-93, s. 25.

26. The award shall be a majority award of the members of the council. In default of a majority, the decision shall be made by the chair of the council.

The award shall state the reasons therefor and shall be signed by all the members. Where a member refuses or is unable to sign, the others shall mention that fact and the award shall have the same effect as though it were signed by all the members.

O.C. 1699-93, s. 26.

27. In its award, the council of arbitration may uphold, reduce or cancel the amount of the account in dispute, may determine the reimbursement or payment to which a party may be entitled, and rule on the amount that the client acknowledges owing and that he sent with his application for arbitration.

O.C. 1699-93, s. 27.

28. The arbitration award is binding on the parties but is subject to forced execution only after having been homologated in accordance with the procedure provided for in articles 645 to 647 of the Code of Civil Procedure (chapter C-25.01).

O.C. 1699-93, s. 28; I.N. 2016-01-01 (NCCP).

29. The council of arbitration shall file the award with the secretary of the Order, who shall send it to the parties or their advocates within 10 days after the filing.

The secretary of the Order shall also send the complete arbitration record, of which true copies may be sent only to the parties and their advocates, and to the syndic.

O.C. 1699-93, s. 29.

DIVISION III

TRANSITIONAL AND FINAL

30. This Regulation replaces the Regulation respecting the procedure for conciliation and arbitration of accounts of radiology technologists (R.R.Q., 1981, c. T-5, r. 7), but that Regulation continues to govern the procedure for conciliation and arbitration of disputes for which conciliation by the syndic is applied for prior to 6 January 1994.

O.C. 1699-93, s. 30.

31. (*Omitted*).

O.C. 1699-93, s. 31.

SCHEDULE I

(s. 8)

APPLICATION FOR ARBITRATION OF AN ACCOUNT

I, the undersigned, _____ (*client's name*) _____ (*domicile*) _____ declare that:

(1) _____ (*name of medical imaging technologist, radiation oncology technologist or medical electrophysiology technologist*) _____ is claiming from me (or refuses to reimburse to me) a sum of money for professional services.

(2) I have enclosed a copy of the conciliation report.

(3) I am applying for arbitration of the account under the Regulation respecting the conciliation and arbitration procedure for the accounts of medical imaging technologists, radiation oncology technologists and medical electrophysiology technologists (chapter T-5, r. 12).

(4) I have received a copy of the Regulation mentioned above and have taken cognizance thereof.

(5) I agree to submit to the procedure provided for in the Regulation and, where required, to pay to _____ (*name of medical imaging technologist, radiation oncology technologist or medical electrophysiology technologist*) _____ the amount of the arbitration award.

Signature

O.C. 1699-93, Sch. I.

SCHEDULE II

(s. 17)

OATH

I swear to perform all my duties and to exercise all my powers as an arbitrator faithfully, impartially and honestly, to the best of my ability and knowledge.

I also swear that I will not, without being so authorized by law, disclose or make known anything whatsoever of which I may take cognizance in the performance of my duties.

Signature

Sworn before me at _____ on _____

Commissioner for oaths

O.C. 1699-93, Sch. II.

UPDATES

O.C. 1699-93, 1993 G.O. 2, 6905

S.Q. 1994, c. 40, s. 455

S.Q. 2008, c. 11, ss. 212 and 213

S.Q. 2009, c. 35, s. 77

S.Q. 2012, c. 10, ss. 1 and 20

