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Part

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Laws and Regulations

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Summary

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Contents

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- (1) Acts assented to, before their publication in the annual collection of statutes;
- (2) proclamations of Acts;
- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (R.S.Q., c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
- (4) decisions of the Conseil du trésor and ministers’ orders whose publications in the *Gazette officielle du Québec* is required by law or by the Government;
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- (6) rules of practice made by judicial courts and quasi-judicial tribunals;

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Draft Regulations

Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Chiropractors — Code of ethics

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Code of ethics of chiropractors, made by the board of directors of the Ordre des chiropraticiens du Québec, may be submitted to the Government which may approve it, without or without amendment, on the expiry of 45 days following this publication.

The draft Regulation is designed to replace the Code of ethics of chiropractors to strengthen the general and special duties of chiropractors towards the public, clients and the profession. It is also intended to adjust the rules of ethics to the reality of the practice of the profession of chiropractor in a partnership or joint-stock company, as provided for in the draft Regulation respecting the practice of the profession of chiropractor within a partnership or joint-stock company.

The draft Regulation has no impact on enterprises, in particular small and medium-sized businesses.

Further information may be obtained by contacting Georges Lepage, President, Ordre des chiropraticiens du Québec, 7950, boulevard Métropolitain Est, Montréal (Québec) H1K 1A1; telephone: 514 355-8540 or 1 800 655-8540; fax: 514 355-2290.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to the Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice; they may also be sent to the professional order that made the Regulation, as well as to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,
*Chair of the Office des
professions du Québec*

Code of ethics of chiropractors

Professional Code
(R.S.Q., c. C-26, s. 87)

CHAPTER I GENERAL

1. This Code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties of every member of the Ordre des chiropraticiens du Québec towards the public, patients and the profession.

2. Chiropractors must take reasonable measures to ensure that each person, employee, shareholder or partner who collaborates with them in the practice of the profession complies with the Chiropractic Act (R.S.Q., c. C-16), the Professional Code and their regulations.

Chiropractors who practise their profession within a partnership within the meaning of the Civil Code of Québec or a partnership or joint-stock company referred to in Chapter VI.3 of the Professional Code and are partners, shareholders, directors or officers must take reasonable measures to ensure that the partnership or joint-stock company complies with the Chiropractic Act, the Professional Code and their regulations.

3. Chiropractors may not allow other persons to perform acts on their behalf which, if performed by chiropractors, would be in contravention of the Chiropractic Act, the Professional Code or their regulations.

4. A chiropractor's duties and obligations under the Chiropractic Act, the Professional Code and their regulations are in no way changed or reduced by the fact that the chiropractor practises the profession within a partnership or joint-stock company.

5. Chiropractors must ensure that their obligations towards the partnership or company within which they practise as director or officer are not incompatible with their obligations towards their patient.

CHAPTER II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

DIVISION I GENERAL

6. Chiropractors must, as far as possible, support every measure likely to improve the quality and availability of professional services in the field in which they practise.

7. In the practice of their profession, chiropractors must take into account all the foreseeable consequences which their research and work may have on the public.

8. Chiropractors must promote measures of education and information in the field in which they practise and, as far as possible, take an active part to ensure such education and information.

DIVISION II RESTRICTIONS AND OBLIGATIONS RELATING TO ADVERTISING

9. Chiropractors may not engage, by any means whatsoever, in advertising that is false, misleading, incomplete or liable to mislead.

10. Chiropractors must avoid all advertising likely to tarnish the image of the profession or to impart to it a profit-seeking or mercantile character.

11. Chiropractors may not engage, by any means whatsoever, in advertising that is likely to denigrate or discredit the services rendered by another chiropractor, any other health professional or any other person.

12. Chiropractors may not engage, by any means whatsoever, in advertising that compares the quality of their services to that of services rendered by other chiropractors or any other health professional.

13. Chiropractors may not engage, by any means whatsoever, in advertising that is likely to unduly influence persons who may be physically or emotionally vulnerable because of their age, their state of health or their personal condition.

14. Chiropractors may not claim to possess specific qualities or skills unless they can substantiate such claim.

15. Chiropractors who address the public may not

(1) send information not based on principles recognized by chiropractic science;

(2) express opinions that are not generally acknowledged by chiropractic science; or

(3) engage in unsuitable advertising in favour of a method of examination or treatment.

16. For every advertisement they broadcast or publish, chiropractors must ensure that the public is clearly aware that it is an advertisement.

17. Chiropractors advertising a price, a rebate, a discount or free products or services must

(1) establish fixed amounts, if applicable;

(2) specify the nature and extent of the services included in the price, rebate, discount or free products or services;

(3) indicate if additional services likely to be required are not included and, if such is the case, indicate their price;

(4) give more importance to the services than to the price, rebate, discount or free products or services; and

(5) keep the price, rebate, discount or free products or services in effect for a minimum period of 90 days after the advertisement was last broadcast or published.

Despite the foregoing, nothing prevents chiropractors from agreeing with a patient on a price lower than the one published or broadcast.

18. Chiropractors must avoid all false advertising regarding

(1) a price reduction;

(2) a regular price or any other reference price for services; or

(3) the advantageous price of certain services.

19. Chiropractors must ensure that the persons collaborating with them in the practice of their profession, in any capacity whatsoever, comply with the rules respecting advertising.

20. All chiropractors who are partners or collaborate in the practice of their profession are jointly responsible for complying with the rules respecting advertising, unless one of the chiropractors demonstrates that the advertising was done without his or her knowledge and consent and in spite of the measures taken to ensure compliance with those rules.

21. Chiropractors who use the graphic symbol of the Order in their advertising must ensure that it is identical to the original kept by the secretary of the Order.

CHAPTER III DUTIES AND OBLIGATIONS TOWARDS THE PATIENT

DIVISION I GENERAL

22. In the practice of their profession, chiropractors must show respect for the life, dignity and freedom of their patient.

23. Chiropractors must practise their profession in accordance with the principles recognized by chiropractic science.

24. Before accepting a mandate, chiropractors must take into consideration the limits of their abilities, knowledge and the means at their disposal. They must not, in particular, undertake treatment for which they are not sufficiently prepared without obtaining the necessary assistance.

25. Chiropractors must at all times acknowledge the right of the patient to consult another chiropractor, a member of another professional order or any other competent person.

26. Chiropractors must refrain from practising under conditions, in states, places or circumstances likely to impair the quality of their services.

27. Screening examinations must take place in places that allow for their proper execution such as chiropractors' offices, schools, sports facilities and the workplace, excluding public halls.

Screening examinations must take place so as to respect the patient's confidentiality and privacy.

28. A screening campaign examination must be capable of determining the need for further chiropractic examinations or treatments and include a questionnaire.

29. Chiropractors must seek to establish a relationship of mutual trust with their patient. For that purpose, they must, in particular

(1) practise their profession in a personalized manner; and

(2) conduct interviews with respect for their patient's values and personal convictions.

30. Chiropractors must refrain from intervening in the personal affairs of their patient on subjects which are not under the generally acknowledged competence of the profession.

31. Subject to respecting professional secrecy, chiropractors must collaborate with their patient or the patient's relatives or with any other person in the interest of that patient.

32. Before carrying out a chiropractic treatment, chiropractors must perform examinations on their patient including, in particular, the following items:

(1) the appropriate history of the case;

(2) the clinical and diagnostic imagery examinations required by the patient's condition;

(3) sufficient research of any subjacent pathology and anomaly by the diagnostic methods indicated and in compliance with standards of chiropractic science; and

(4) an unequivocal indication of an appropriate chiropractic therapy.

33. Chiropractors must refrain from using diagnostic means whose scientific value is not recognized according to the standards of chiropractic science.

34. Chiropractors must refrain from providing care to their patient which is not required under the standards of chiropractic science.

35. Chiropractors must provide their patient with the best possible care that is indicated in accordance with the standards of chiropractic science.

36. Chiropractors must have a conduct beyond reproach towards every person and must, in particular, act with respect, courtesy, moderation and integrity.

37. Chiropractors must refrain from consulting, collaborating or agreeing with a person who does not have the competence or appropriate scientific knowledge in the field in which they practise.

38. Chiropractors must refrain from repeatedly or insistently inciting a person, whether personally or through a natural or legal person, a partnership or joint-stock company, a group or association, to have recourse to their professional services.

39. Chiropractors must refrain from guaranteeing their patient, expressly or implicitly, the curing of an illness or the effectiveness of a chiropractic treatment. They must provide them with an estimate of the duration of the treatment or the number of visits that the patient's condition requires.

40. Chiropractors must refrain from giving or causing to be given to a patient an unjustifiable material benefit, in particular by falsifying a declaration, report or any document respecting the health of a patient or the chiropractic care administered to the latter.

DIVISION II INTEGRITY

41. Chiropractors must carry out their professional duties with integrity.

42. Chiropractors must avoid any misrepresentation with respect to their level of competence, to the efficiency of their services or of those generally provided by the members of their profession or, if applicable, to the level of competence and the efficiency of the services of the persons who carry on their professional activities within the same partnership or joint-stock company as them.

43. If the good of the patient so requires, chiropractors must, with the patient's consent, consult another chiropractor, a member of another professional order or any other competent person or refer the patient to one of those persons.

44. Prior to the examination or treatment proposed, chiropractors must obtain from the patient a written, free and enlightened consent after having informed the patient of the nature of the problem to be treated, the treatment procedure and the potential benefits and risks.

Chiropractors must also inform their patient that their consent may be revoked at any time and that any material change in the treatment plan agreed to requires a separate consent.

45. Chiropractors must refrain from giving opinions or advice that is contradictory or incomplete. To that end, they must try to know all the facts before giving an opinion or advice.

46. Chiropractors must inform their patient as soon as possible of any incident, accident or complication likely to have or that has had a significant impact on the patient's health or physical integrity.

DIVISION III AVAILABILITY AND DILIGENCE

47. In the practice of their profession, chiropractors must display reasonable availability and diligence.

48. In addition to opinions and advice, chiropractors must provide their patient with all explanations necessary to the understanding and appreciation of the services provided to the patient.

49. Chiropractors must be objective and impartial when persons ask them for information.

50. Unless they have just and reasonable grounds for doing so, chiropractors may not terminate the services they provide to a patient. The following, in particular, constitute just and reasonable grounds:

(1) loss of the patient's trust;

(2) being in a situation of conflict of interest or in any situation in which their professional independence might be called into question; and

(3) inducement by the patient to perform acts that the chiropractor knows to be illegal, unfair or fraudulent.

51. Before terminating their services, chiropractors must notify the patient within a reasonable time and take the necessary measures to prevent prejudice to the patient.

DIVISION IV LIABILITY

52. Chiropractors may not, in the practice of their profession, evade their personal civil liability by inserting in a contract of professional services any clause directly or indirectly excluding, in whole or in part, their civil liability, that of the partnership or joint-stock company within which they carry on their professional activities, or that of any person carrying on his or her professional activities within that same partnership or joint-stock company.

DIVISION V INDEPENDENCE AND IMPARTIALITY

53. Chiropractors must, at all times and under any circumstances, subordinate their personal interest to that of their patient.

54. Chiropractors must safeguard their professional independence and ignore any intervention by a third person which could influence the performance of their professional duties to the detriment of their patient.

55. Chiropractors must safeguard their professional independence and that of the partnership or joint-stock company within which they carry on their professional activities at all times and avoid any situation which would put them in conflict of interest. Without restricting the generality of the foregoing, chiropractors are

(1) in conflict of interest when the interests concerned are such that they may be influenced to favour certain of them instead of those of their patient or their judgment and loyalty towards the latter may be unfavourably affected; and

(2) no longer independent advisers in respect of a given act if they find a personal benefit, direct or indirect, real or possible, therein.

In all cases in which chiropractors carry on professional activities within a partnership or joint-stock company, situations of conflict of interest are assessed with regard to all patients or clients of persons with whom chiropractors carry on professional activities within the partnership or joint-stock company.

56. Chiropractors must take the necessary measures to ensure that information and documents protected by professional secrecy are not disclosed to a partner, shareholder, director, officer or employee of a partnership or joint-stock company within which chiropractors carry on their professional services or in which they have an interest, where they become aware that the partner, shareholder, director, officer or employee is in a situation of conflict of interest.

In assessing the effectiveness of the measures, the following factors in particular are taken into account:

(1) the size of the partnership or joint-stock company;

(2) the precautions taken to prevent access to the records of the chiropractor by the person in the situation of conflict of interest;

(3) the instructions given for the protection of confidential information or documents relating to the situation of conflict of interest; and

(4) the degree of isolation, from the chiropractor, of the person in the situation of conflict of interest.

57. Chiropractors may share professional fees only with

(1) a member of the Ordre des chiropraticiens du Québec; or

(2) a person with whom they are authorized to carry on their professional activities under the Regulation respecting the practice of the profession of chiropractor within a partnership or joint-stock company (*insert the reference of the Regulation*), or with a partnership or joint-stock company within which they are authorized to carry on their professional activities under that Regulation.

58. Except for the professional fees to which they are entitled, chiropractors or the partnership or joint-stock company within which they carry on their professional activities may not receive, solicit, pay, offer to pay, or agree to pay any rebate, commission or other benefit relating to the performance of professional services, except tokens of appreciation or gifts of small value.

59. For a given service, chiropractors must only accept fees from a single source, unless explicitly agreed otherwise by all the parties concerned. Chiropractors must accept payment of these fees only from their patient or the latter's representative.

60. As soon as chiropractors become aware that they are in a situation of conflict of interest, they must notify their patient and terminate their professional services, unless the patient, after being informed of the nature of the conflict of interest and all the facts relating thereto, authorizes them in writing to continue their professional services.

DIVISION VI PROFESSIONAL SECRECY

61. Chiropractors must preserve professional secrecy.

62. Chiropractors must take reasonable measures to ensure that any person who cooperates with them or carries on his or her activities within the same partnership or joint-stock company maintains professional secrecy, unless relieved by the patient or where expressly provided by law.

63. Chiropractors who communicate information that is protected by professional secrecy pursuant to the third paragraph of section 60.4 of the Professional Code must, for each communication, enter the following particulars in the patient's record as soon as possible:

(1) the name of the person or group of persons exposed to the danger;

(2) the reasons supporting the decision to communicate the information; and

(3) the subject of the communication, the mode of communication, the name of any person to whom the information was given and the date and time it was communicated.

Chiropractors must also send that information to the syndic as soon as possible.

64. Chiropractors must not disclose that a person used their services unless the nature of the case so requires.

65. Chiropractors must avoid holding or participating in indiscreet conversations concerning a patient and the services rendered to him or her.

66. Chiropractors must not make use of confidential information to the prejudice of a patient or with a view to obtaining, directly or indirectly, a benefit for themselves, for another person or for the partnership or joint-stock company within which they carry on their professional activities.

DIVISION VII

ACCESSIBILITY OF RECORDS AND CORRECTION OF INFORMATION

67. Chiropractors must allow their patient to take cognizance of the documents which concern him or her in any record constituted on his or her behalf and to obtain a copy of such documents.

If the record contains information provided by a third person, chiropractors must obtain the latter's authorization before communicating the information to their patient.

68. Chiropractors must allow their patient to cause to be corrected any information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected, in a document concerning the patient in any record constituted on his or her behalf. Chiropractors must also allow their patient to cause to be deleted any information that is outdated or not justified by the object of the record, or to prepare written comments and file them in the record.

69. Chiropractors holding a record that is the subject of a request for access or correction by the patient concerned must respond to that request with diligence and not later than 20 days after the date of the request.

70. Access to the information contained in a record is free of charge. Despite the foregoing, a fee not greater than the cost of transcription, reproduction or transmission of the information may be charged to the patient.

Chiropractors who intend to charge a fee under this section must, before transcribing, reproducing or transmitting the information, inform their patient of the approximate amount exigible.

71. Chiropractors who, under the law, refuse to grant a patient's request for access or correction must give reasons for the refusal in writing, enter the reason in the patient's record and inform the patient of his or her recourses.

72. Chiropractors who grant a request for correction must issue free of charge to the patient a copy of any information modified or added or, as the case may be, an attestation that information has been deleted.

The patient may require that the chiropractor send a copy of the information or attestation to the person from whom he or she received the information in question, or to any person to whom that information has been disclosed.

73. Chiropractors holding information that is the subject of a request for access or correction must, if they do not grant the request, retain the information for such time as is necessary to allow the patient concerned to exhaust the recourses provided by law.

DIVISION VIII

DETERMINATION AND PAYMENT OF FEES

74. Chiropractors or the partnership or joint-stock company within which they carry on their professional activities must charge and accept fair and reasonable fees.

75. Fees are fair and reasonable if they are justified by circumstances and are in proportion to the services rendered. Chiropractors or the partnership or joint-stock company within which they carry on their professional activities must, in particular, take into account the following factors to determine their fees:

(1) the time devoted to the performance of the professional service;

(2) the complexity and scope of the service; and

(3) the performance of services that are unusual or require exceptional competence or celerity.

76. Chiropractors or the partnership or joint-stock company within which they carry on their professional activities must provide their patient with all the explanations required for the understanding of his or her statement of fees and of the terms and conditions of payment and, on request, a detailed statement of the fees.

Chiropractors must ensure that the fees are always indicated separately on any invoice or statement of fees sent by the partnership or joint-stock company to the patient.

77. Chiropractors or the partnership or joint-stock company within which they carry on their professional activities must refrain from demanding advance payment for their services. They must inform their patient of the approximate cost of their services.

78. Chiropractors or the partnership or joint-stock company within which they carry on their professional activities may collect interest on outstanding accounts only after having duly notified their patient thereof. The interest so charged must be at a reasonable rate.

79. Before having recourse to legal proceedings, chiropractors or the partnership or joint-stock company within which they carry on their professional activities must have exhausted all other means available for obtaining payment of their fees.

80. Chiropractors must not sell or otherwise transfer their accounts of professional fees, except to a colleague or a partnership or joint-stock company within which they are authorized to carry on their professional activities pursuant to the Regulation respecting the practice of the profession of chiropractor within a partnership or a joint-stock company (*insert the reference of the Regulation*).

81. When chiropractors or the partnership or joint-stock company within which they carry on their professional activities appoint another person to collect their fees, they must ensure that the latter acts with tact and moderation.

82. Where chiropractors carry on their professional activities within a joint-stock company constituted for the purposes of such activities, the fees and expenses related to the professional services that they have rendered within the company and on its behalf belong to that company, unless otherwise agreed.

The determination, billing and payment of fees is subject to the conditions set out in this Division and chiropractors are personally responsible for seeing to their application.

CHAPTER IV DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

DIVISION I INCOMPATIBLE OFFICES AND DUTIES

83. Chiropractors who, directly or through a natural or legal person, a partnership, a group or an association, hold any interest in a business whose object is the production or sale of apparatus or products which may be used for chiropractic examination or treatment when such interest places chiropractors in a situation of conflict of interest with respect to their patient act in a manner which is incompatible with the practice of the profession.

Any agreement entered into by chiropractors or a partnership or company of which chiropractors are partners or shareholders regarding the enjoyment of a building or a space to carry on their professional activities must be entirely recorded in writing and include a statement that the obligations arising from the agreement comply with the provisions of this Code and a clause authorizing release of the agreement to the Ordre des chiropraticiens du Québec on its request.

84. Chiropractors must ensure that none of the activities in which they engage in connection with an office within an enterprise, and which do not constitute the practice of their profession of chiropractor, compromise compliance with the obligations prescribed by this Code, including honour, dignity and integrity of the profession.

85. Engaging in activities relating to health services not recognized under the Professional Code is incompatible with the practice of the profession. The same applies to activities likely to harm the dignity and integrity of the profession.

DIVISION II DEROGATORY ACTS

86. In addition to the acts referred to in sections 57, 58, 59.1 and those that can be determined pursuant to the second paragraph of section 152 of the Professional Code, the following acts on the part of chiropractors are derogatory to the dignity of the profession:

(1) not notifying the Order that they have reason to believe that a candidate for the practice of chiropractic is unsuited to the practice of the profession or that a chiropractor does not abide by the code of ethics of chiropractors;

(2) practising their profession under a number name or name or designation which is misleading or contrary to the honour or dignity of the profession;

(3) through authorization, advice, an order or encouragement, inciting a person who is not a member of the Order to engage in a professional activity reserved for the members of the Order;

(4) communicating with the plaintiff without the prior written permission of the syndic or his or her assistant, once informed of an investigation into the chiropractor's professional conduct or competence or a complaint has been served on the chiropractor;

(5) carrying on professional activities within a company or partnership, or having interest in such company or partnership, where a partner, shareholder, director, officer or employee of the partnership or company is struck off the roll for more than 3 months or has his or her professional permit revoked, except if, within 15 days from the date on which the striking off or revocation becomes executory, the partner, shareholder, director, officer or employee ceases to act as a director or officer within the partnership or company, to attend all shareholders meetings and to exercise his or her right to vote, and disposes of his or her company shares with voting rights or leaves them in the care of a trustee; and

(6) failing to inform the Order that the chiropractor has reason to believe that a chiropractor or a partnership or joint-stock company within which chiropractors practise contravenes the Professional Code or a regulation made under the Code.

87. Unless a chiropractor has obtained a pardon, the chiropractor must send to the secretary of the Order any decision of a Canadian or foreign court declaring the chiropractor guilty of a criminal offence in matters of sexual assault, aggravated assault, fraud or theft, within 10 days of its receipt.

The chiropractor must also, under the same conditions, send to the secretary of the Order any decision rendered in Québec declaring the chiropractor guilty of a penal offence in section 188 of the Professional Code and any decision rendered outside Québec in respect of an offence which, if committed in Québec, could have resulted in penal proceedings under those provisions.

DIVISION III RELATIONS WITH THE ORDER AND THE PROFESSION

88. Chiropractors whose participation in a council for the arbitration of accounts, a committee on discipline or a professional inspection committee is requested by the Order must accept that duty unless they have exceptional grounds for refusing.

89. Chiropractors must, as soon as possible and according to the method of communication requested as the case may be, answer all correspondence addressed to them by the Order, a syndic, an expert, an inspector or the members of the professional inspection committee.

90. Chiropractors must not abuse a colleague's good faith or be guilty of a breach of trust or of disloyal practices towards him or her. They must not, in particular, take credit for a treatment practised by a colleague.

91. Chiropractors consulted by a colleague must provide the latter with their opinion and recommendations as soon as possible.

92. Chiropractors called upon to collaborate with a colleague must maintain their professional independence.

DIVISION IV CONTRIBUTION TO THE ADVANCEMENT OF THE PROFESSION

93. Chiropractors must, as far as they are able, contribute to the development of their profession by sharing their knowledge and experience with their colleagues and students, and by their participation in continuing education requirements.

Chiropractors may solicit public participation in a research program or experience only after having obtained written approval from the board of directors of the Order. To that end, chiropractors must fill out and send to the secretary of the Order the form entitled "Application for approval of a research program" and attach to it the protocol of the research program they wish to carry out, establishing its compliance with the guidelines concerning research involving human subjects of the Université du Québec à Trois-Rivières.

DIVISION V FINAL

94. This Code replaces the Code of ethics of chiropractors, (c. C-16, r. 5).

95. Division 2 of Chapter II of this Code replaces the Regulation respecting advertising by chiropractors (c. C-16., r. 12) which, in accordance with section 10 of the Act to amend the Professional Code and various Acts constituting professional corporations with respect to professional advertising and certain registers (1990, c. 76), ceases to have effect at the time of coming into force of the provisions made under paragraph 5 of section 87 of the Professional Code.

96. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2258

Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Chiropractors

— Practice of the profession of chiropractor within a partnership or a joint-stock company

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the practice of the profession of chiropractor within a partnership or a joint-stock company, made by the board of directors of the Ordre des chiropraticiens du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation contains specific provisions aimed at governing the terms and conditions under which chiropractors are authorized to practise within a partnership or a joint-stock company, particularly regarding the administration of the partnership or joint-stock company and the holding of shares or units.

In accordance with Chapter VI.3 of the Professional Code, the conditions also include the obligation to take out insurance covering the liability of the partnership or joint-stock company arising from fault on the part of its members, as well as the obligation to provide the Order with the necessary information on the partnership or joint-stock company and to update that information.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Georges Lepage, President of the Ordre des chiropraticiens du Québec, 7950, boulevard Métropolitain Est, Montréal (Québec) H1K 1A1; telephone: 514 355-8540 or 1 800 655-8540; fax: 514 355-2290.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by

the Office to the Minister of Justice and may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

JEAN-PAUL DUTRISAC,
*Chair of the Office des
professions du Québec*

Regulation respecting the practice of the profession of chiropractor within a partnership or a joint-stock company

Professional Code
(R.S.Q., c. C-26, s. 93, pars. *g* and *h*, and s. 94, par. *p*)

CHAPTER I PURPOSE

1. Chiropractors may, subject to the terms, conditions and restrictions established in this Regulation, carry on professional activities within a joint-stock company or a limited liability partnership within the meaning of Chapter VI.3 of the Professional Code (R.S.Q., c. C-26).

Chiropractors must at all times ensure that the company or partnership makes it possible for them to respect the Professional Code, the Chiropractic Act (R.S.Q., c. C-16) and all the regulations made thereunder.

2. Chiropractors are authorized to carry on professional activities within a limited liability partnership or joint-stock company if

(1) more than 50% of the voting rights attached to the shares or units of the partnership or joint-stock company are held

(a) by one or more chiropractors;

(b) by a legal person or trust whose voting rights or units are held exclusively by one or more chiropractors; or

(c) by a combination of persons referred to in subparagraphs *a* and *b*;

(2) a majority of the directors of the joint-stock company, or the partners or, where applicable, the managers appointed by the partners to manage the affairs of the limited liability partnership, are chiropractors; and

(3) the board of directors of the joint-stock company or the internal management board of the partnership, as the case may be, is comprised of a majority of chiropractors, who constitute the majority of the quorum of such boards at all times.

Chiropractors must ensure that the conditions listed in the first paragraph appear in the articles of the joint-stock company or in the contract of the limited liability partnership and that the documents stipulate that the partnership or joint-stock company is constituted for the purposes of carrying on professional activities.

CHAPTER II OTHER CONDITIONS

DIVISION I TERMS AND CONDITIONS

3. Chiropractors who wish to carry on professional activities within a partnership or joint-stock company referred to in section 1 must, before carrying on the activities, pay a fee of \$50 and provide the secretary of the Order with the following documents:

- (1) the declaration provided for in section 4;
- (2) a written document from a competent authority certifying that the partnership or joint-stock company is covered by security complying with Section II of this Chapter;
- (3) if the chiropractor practises within a joint-stock company, a written document from a competent authority certifying the existence of the joint-stock company;
- (4) if applicable, a certified true copy of the declaration from the competent authority stating that the general partnership was continued as a limited liability partnership;
- (5) a written document certifying that the partnership or joint-stock company is duly registered in Québec;
- (6) a written document certifying that the partnership or joint-stock company has an establishment in Québec; and
- (7) an irrevocable written authorization from the partnership or joint-stock company within which they practise allowing a person, committee, disciplinary body or tribunal referred to in section 192 of the Professional Code to require disclosure of, the obtaining of or a copy of a document listed in section 15 from a person.

4. In addition to what is set out in section 3, chiropractors must send to the secretary of the Order, using the form provided by the Order, a sworn declaration containing

(1) the partnership or joint-stock company name and any other names used in Québec by every partnership or joint-stock company within which the chiropractor practises and the registration number assigned to them by the Inspector General of Financial Institutions;

(2) the legal form of the partnership or joint-stock company;

(3) the address of the head office of the partnership or joint-stock company and the addresses of its establishments in Québec;

(4) the professional activities carried on by the chiropractor within the partnership or joint-stock company;

(5) the chiropractor's name, member number and status within the partnership or joint-stock company;

(6) if the chiropractor practises within a joint-stock company, the names and home addresses of the directors of the joint-stock company;

(7) if the chiropractor practises within a limited liability partnership, the names and home addresses of all the partners domiciled in Québec and, where applicable, the names and home addresses of the managers appointed to manage the affairs of the partnership, whether or not they are domiciled in Québec;

(8) a written document provided by the chiropractor certifying that the shares or units held and the rules of administration of the partnership or joint-stock company satisfy the conditions set out in this Regulation;

(9) the names of the holders of shares or units referred to in subparagraph 1 of the first paragraph of section 2 with the percentage of voting rights held by each shareholder; and

(10) in the case of holders of shares or units referred to in subparagraph *b* of subparagraph 1 of the first paragraph of section 2, a document certifying that the conditions of that subparagraph are satisfied.

5. If two or more chiropractors carry on professional activities within a partnership or joint-stock company, a representative must satisfy the conditions set out in sections 3 and 4 on behalf of all the chiropractors in the partnership or joint-stock company. The representative is designated by all the chiropractors to reply to requests made by the syndic, an inspector, an investigator or any other representative of the Order and to submit, where applicable, the documents that the chiropractors are required to submit.

The representative must be a chiropractor and a partner or a director or shareholder of the joint-stock company with voting rights.

Except for the information provided for in paragraphs 4 and 5 of section 4, the representative must ensure the accuracy of the information given in the declaration.

6. A chiropractor is exempt from satisfying the conditions set out in sections 3 and 4 if a chiropractor or a representative of the partnership or joint-stock company within which the chiropractor is to practise has already satisfied those conditions.

7. Not later than 31 March of each year, the documents provided for in paragraphs 2, 3, 5 and 6 of section 3 and the declaration referred to in section 4 must be updated by the chiropractor or the representative using the form provided by the Order and accompanied by updating fees of \$50.

8. If any of the terms, conditions or restrictions provided for in this Regulation or covered by Chapter VI.3 of the Professional Code is no longer met, the chiropractor must, within 15 days after he or she is notified of the non-compliance by the secretary of the Order, take the necessary measures to comply, failing which, the chiropractor is no longer authorized to practise the profession within the partnership or joint-stock company.

9. If a chiropractor is struck off the roll for a period in excess of three months, he or she may not, during the period of the striking off, directly or indirectly hold any units in a partnership or shares in a joint-stock company.

During that period, the chiropractor may not hold the position of director, officer or representative of the partnership or joint-stock company.

10. Chiropractors or their representative must immediately inform the Order of the cancellation of the insurance coverage required by Section II, the striking off the roll, dissolution, assignment of property, bankruptcy, voluntary or forced liquidation of the partnership or joint-stock company or any other cause likely to prevent the partnership or joint-stock company from carrying on its activities and any change in the information given in the declaration that is contrary to the conditions set out in section 2.

DIVISION II

PROFESSIONAL LIABILITY COVERAGE

11. To be authorized to practise in accordance with this Regulation, chiropractors who carry on professional activities within a partnership or joint-stock company referred to in section 1 must furnish and maintain secu-

rity on behalf of the partnership or joint-stock company by means of an insurance or suretyship contract or by joining a group insurance contract entered into by the Order, or by contributing to a professional liability insurance fund established in accordance with section 86.1 of the Professional Code, against the liability of the partnership or joint-stock company arising from fault or negligence on the part of the chiropractors in the practice of the profession within the partnership or joint-stock company in Québec.

12. The following minimum conditions for the security must be set out in the contract or a specific rider:

(1) an undertaking by the insurer or surety to pay in lieu of the partnership or joint-stock company, over and above the minimum amount of the security to be furnished by the chiropractor pursuant to the Regulation respecting professional liability insurance of the Ordre des chiropraticiens du Québec (c. C-16, r. 3), up to the amount of the security, any sum that the partnership or joint-stock company may be legally bound to pay to an injured third person on a claim filed during the coverage period and arising from fault or negligence on the part of the chiropractor in the practice of the profession within the partnership or joint-stock company;

(2) an undertaking by the insurer to take up the cause of any person entitled to the benefit of the security and to defend him or her in any lawsuit covered by the security and to pay, in addition to the amounts covered by the security, all costs and expenses of any lawsuit covered by the security, including the costs and expenses of the investigation and defence and interest on the amount of the security;

(3) an undertaking that the security extends to all claims submitted in the 5 years following the coverage period during which a chiropractor of the partnership or joint-stock company has died, withdrawn from the partnership or joint-stock company or ceased to be on the roll of the Order, in order to maintain coverage for the partnership or joint-stock company for fault or negligence on the part of the chiropractor in the practice of the profession within the partnership or joint-stock company;

(4) an amount of at least \$1,000,000 per claim and \$3,000,000 for all claims filed against the partnership or joint-stock company during a 12-month coverage period; and

(5) an undertaking by the insurer or surety to provide the secretary of the Order with a 30-day notice of intent to cancel the security, to amend a condition of this section or not to renew the security.

13. The bank, savings and credit union, trust or insurance company that provides the coverage required by section 12 must be domiciled in Canada and maintain sufficient property in Québec to meet the coverage. It must also waive the benefit of division and discussion.

DIVISION III ADDITIONAL INFORMATION

14. Chiropractors who already carry on professional activities at the time a joint-stock company referred to in section 1 is constituted or a general partnership is continued as a limited liability partnership must, within 15 days after the date of the constitution or continuation, send a notice to their clients whose records are pending, informing them of the nature and effects of the change of status of the partnership or joint-stock company, in particular with respect to the chiropractor's professional liability and that of the partnership or joint-stock company. The notice may be sent to the clients or published in a newspaper having circulation in the place where the partnership or joint-stock company carries on its activities.

15. The documents that may be required pursuant to paragraph 7 of section 3 are the following:

(1) if the chiropractor practises within a joint-stock company,

(a) the up-to-date register of the articles and by-laws of the joint-stock company;

(b) the up-to-date register of the securities of the joint-stock company;

(c) the up-to-date register of the directors of the joint-stock company;

(d) any shareholders' agreement and voting agreement and amendments;

(e) the declaration of registration of the joint-stock company and any update; and

(f) the names and home addresses of the company's principal officers;

(2) if the chiropractor practises within a limited liability partnership,

(a) the declaration of registration of the partnership and any update;

(b) the partnership contract and amendments;

(c) the up-to-date register of the partners;

(d) where applicable, the up-to-date register of the managers; and

(e) the names and home addresses of the partnership's principal officers.

CHAPTER III FINAL PROVISION

16. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

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