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Part

2

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Laws and Regulations

Volume 147

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 (chapter C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
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- (6) rules of practice made by judicial courts and quasi-judicial tribunals;
- (7) drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

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Draft Regulations

Draft Regulation

Pharmacy Act
(chapter P-10)

Sale of medications — Terms and conditions — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the terms and conditions for the sale of medications, made by the Office des professions du Québec, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation specifies the terms and conditions for the sale of the following substances: Hydrocortisone, Hydrocortisone Acetate and Minoxidil.

The Office does not foresee any impact from the new measures on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Gabriel Fontaine, Direction de la recherche et de l'analyse, or Ugo Chaillez, Direction des affaires juridiques, Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3; telephone: 418 643-6912 or 1 800 643-6912; fax: 418 643-0973.

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 interested persons, departments and bodies.

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

Regulation to amend the Regulation respecting the terms and conditions for the sale of medications

Pharmacy Act
(chapter P-10, s. 37.1)

1. The Regulation respecting the terms and conditions for the sale of medications (chapter P-10, r. 12) is amended in Schedule III

(1) by replacing the specification of the substances “HYDROCORTISONE” and “HYDROCORTISONE ACETATE” by the following:

“Dosage forms for topical use in concentrations of 1% or less in packaging units containing 30 g or less”;

(2) by replacing “2%” in the specification for the substance “MINOXIDIL” by “5%”.

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

102438

Draft regulation

An Act respecting prescription drug insurance
(chapter A-29)

Benefits authorized to pharmacists — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting benefits authorized for pharmacists, the text of which appears hereafter, may be made by the Government on the expiry of the 45-day period following this publication.

This draft regulation aims to suspend, for a period of three years, the current maximum limit of 15% applicable to the professional allowance consented by generic drug manufacturers to owner pharmacists.

The effect of the proposed amendment is to produce an increase in the income of owner pharmacists in the form of professional allowances paid out by generic drug manufacturers.

Further information may be obtained by contacting Dominic Bélanger, Ministère de la Santé et des Services sociaux, 1005, chemin Sainte-Foy, 1^{er} étage, Québec (Québec) G1S 4N4, by phone at 418 266-8810, by fax at 418 266-5957 or by email at dominic.belanger@msss.gouv.qc.ca

Persons wishing to comment on this draft regulation may write, before the expiry of the 45-day period mentioned above, to the undersigned, the Minister of Health and Social Services, at 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

GAÉTAN BARRETTE,
*Minister of Health and
Social Services*

Regulation to amend the Regulation respecting benefits authorized for pharmacists

An Act respecting prescription drug insurance (chapter A-29.01, s.22)

1. The Regulation respecting benefits authorized for pharmacists (chapter A-29.01, r. 1) is amended, in section 2, by adding the following at the end of the third paragraph:

“This limit does not apply during a period of three years beginning on (indiquer ici la date d’entrée en vigueur du présent règlement)”.

2. This Regulation comes into force on the 15th day following its publication in the *Gazette officielle du Québec*.

102415

Draft Regulation

Professional Code
(chapter C-26)

Sexologists — Code of ethics

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Code of ethics of sexologists, made by the board of directors of the Ordre professionnel des sexologues du Québec

and appearing below, 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 imposes on members of the Ordre professionnel des sexologues du Québec, constituted by letters patent issued on 25 September 2013 (chapter C-26, r. 222.2), general and special duties towards the public, clients and the profession, in order to better protect the public.

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

Further information may be obtained by contacting Isabelle Beaulieu, Director General and Secretary, Ordre professionnel des sexologues du Québec, 4126, rue Saint-Denis, bureau 300, Montréal (Québec) H2W 2M5; telephone: 438 386-6777 or 1 855 386-6777, extension 222; email: isabelle.beaulieu@opsq.org.

Any person wishing to comment on the matter is requested to submit written comments before the expiry of 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, as well as to interested persons, departments and bodies.

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

Code of ethics of sexologists

Professional Code
(chapter C-26, s. 87)

DIVISION I PRELIMINARY

1. This Code determines the duties and obligations that must be discharged by sexologists, regardless of the context or manner in which they engage in their professional activities or the nature of their contractual relationship with their clients.

The duties and obligations under the Professional Code (chapter C-26) and its regulations are not modified in any manner owing to the fact that a sexologist carries on professional activities within a partnership or joint-stock company.

2. Sexologists may not exempt themselves, even indirectly, from a duty or obligation contained in this Code.

3. Sexologists must take reasonable measures to ensure that persons who collaborate with them and any partnership or joint-stock company within which they carry on professional activities comply with the Professional Code and its regulations.

4. Sexologists may not perform any act or behave in any manner that is contrary to what is generally admissible in the practice of the profession, or that is likely to adversely affect the honour and dignity of the profession or to compromise the public's confidence in the profession.

DIVISION II

DUTIES AND OBLIGATIONS TOWARDS CLIENTS, THE PUBLIC AND THE PROFESSION

§1. Quality of professional relationship

5. In their practice, sexologists must show respect for the dignity and freedom of persons and refrain from any form of discrimination.

6. Sexologists must refrain from acting in any manner that may affect the physical, mental or emotional integrity of the person with whom they establish a professional relationship.

7. Sexologists must act with diligence and availability.

8. Sexologists must seek to establish and maintain a relationship of mutual trust between themselves and their clients.

9. Sexologists must not interfere in the personal affairs of their clients and must restrict themselves to matters related to the practice of the profession.

10. During the professional relationship, sexologists must not establish relations likely to affect the quality of the professional services, or relations of an amorous or sexual nature with a client, and must refrain from making remarks or improper gestures of a sexual nature to a client.

The duration of the professional relationship is determined taking particular account of the nature of the problems and the duration of the professional services provided, the client's vulnerability and the likelihood of having to provide professional services to the client again.

11. Sexologists must inform their client as soon as possible of any action, taken in connection with a professional service, that may be prejudicial to the client.

§2. Consent

12. Sexologists must, except in an emergency, obtain the free and enlightened consent of their client, the client's representative or parents, in the case of a minor under 14 years of age, before providing professional services.

To enable their client to give free and enlightened consent, sexologists must inform the client of and ensure that the client understands

(1) the objective, nature, relevance and main terms of the professional services;

(2) the alternatives to and limits and constraints on the professional service;

(3) the use of information obtained;

(4) the implications of sharing information with third persons or sending a report to third persons; and

(5) the fees, the collection of interest on accounts and the terms of payment.

13. Sexologists must ensure that the consent remains free and enlightened throughout the professional relationship.

14. Sexologists must acknowledge the client's right to revoke his or her consent at any time.

§3. Confidential information

15. Sexologists must preserve the secrecy of all confidential information that becomes known to them in the practice of their profession.

Sexologists may be released from their obligation of professional secrecy only where so authorized by their client or where so ordered or expressly authorized by law.

In order to obtain the client's authorization, sexologists must inform the client of the use and possible implications of the transmission of information.

16. In addition to the cases provided for in section 15, sexologists may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where they have reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

Despite the foregoing, sexologists may only communicate the information to a person or persons exposed to the danger or their representative, or to the persons likely to come to that person's aid.

Sexologists may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

17. Sexologists who, pursuant to section 16, communicate information protected by professional secrecy to prevent an act of violence must

- (1) communicate the information immediately; and
- (2) enter in the client's record as soon as possible
 - (a) the reasons supporting the decision to communicate the information; and
 - (b) the mode and subject of the communication and the name of the person to whom the information was given.

18. For the purpose of preserving professional secrecy, sexologists must

- (1) refrain from any indiscreet conversation concerning their client and the professional services provided to the client;
- (2) take the reasonable means with respect to their colleagues and persons under their supervision;
- (3) not disclose that a person has required their professional services;
- (4) obtain prior written authorization from the client to make an audio or video recording of an interview or activity; the authorization must specify the subsequent use of the recording and the conditions on which authorization may be revoked and the recording may be destructed; and
- (5) not disclose, without authorization, the name of a client when consulting or being supervised by another professional.

19. Where sexologists ask a client to disclose confidential information or where they allow a client to disclose such information, they must clearly inform the client of the various uses that could be made of the information.

20. Sexologists providing professional services to a couple or a family must preserve each member's right to professional secrecy.

21. Sexologists providing professional services to a group must inform the members of the group of the possibility of some aspect of the private life of one of the members or a third person being revealed. They must secure a commitment from the members of the group to preserve the confidentiality of information on the private life of the members or third person.

22. Before transmitting a report to a third person, sexologists must obtain explicit authorization from the client after the client has been made aware of the information in the report.

23. Sexologists who transmit confidential information, in particular within a multidisciplinary or interdisciplinary team or an institutional program, must limit the transmission to information that is relevant and necessary to achieve the objectives pursued.

24. Sexologists may not reveal or communicate the results of an evaluation obtained with measurement instruments or assessment tools without the written authorization of their client.

25. Sexologists may not give to a third person, other than another competent professional, any raw, unprocessed data from an assessment or resulting from a consultation in sexology.

26. When sexologists cease to perform their professional duties for an employer, they must inform their employer of the confidential information contained in the records for which they were responsible and propose the necessary measures to preserve the confidentiality of such information. If the confidentiality of the information could be compromised, they must notify the secretary of the Ordre professionnel des sexologues du Québec.

§4. Accessibility and rectification of records

27. Sexologists must respond promptly, at the latest within 30 days of its receipt, to any request made by a client to consult or obtain a copy of documents that concern the client in any record made in his or her respect.

Sexologists may charge the client reasonable fees not exceeding the cost of reproducing or transcribing documents or the cost of transmitting a copy of the documents.

Sexologists who intend to charge such fees must inform the client of the approximate amount to be paid before reproducing, transcribing or transmitting the information.

28. Sexologists must respond promptly, at the latest within 30 days of its receipt, to any request made by a client to have information that is inaccurate, incomplete,

ambiguous, outdated or unjustified corrected or deleted in any document concerning the client. In addition, sexologists must notify the client of the client's right to make written comments and file them in the record.

Sexologists must give the client, free of charge, a duly dated copy of the document or part of the document filed in the record so that the client may verify that the information has been corrected or deleted or, as applicable, give the client an attestation stating that the client's written comments have been filed in the record.

Sexologists must forward a copy, free of charge, of the corrected information or an attestation stating that the information has been deleted or, as applicable, that the written comments have been filed in the record, to every person from whom sexologists received the information that was the subject of the correction, deletion or comments, and to every person to whom the information was communicated.

29. Where a client requests that a copy of his or her record or some information in the record be sent to a third person, the sexologist may provide the information not less than 15 days following the date of the authorization signed by the client to that effect. The client may within that period revoke the authorization. Nevertheless, the client may, in an emergency, renounce the 15-day period.

Where a client is sent a copy of a document in his or her record, or where a client requests that a document be removed from the record or that such a copy or information in the records be sent to a third person, the sexologist must add to the record a note to that effect that is signed by the client and dated.

30. A sexologist who denies a client access to information contained in the client's record or who denies a request to correct or delete information in any document concerning the client must provide the client with reasons for the refusal, enter the reasons in the record and inform the client of his or her recourses.

31. Sexologists must respond promptly, at the latest within 30 days of its receipt, to any written request from a client to have a document returned to the client.

§5. Professional independence and conflict of interest

32. Sexologists must act with objectivity and subordinate their personal interests or, where applicable, those of their employer, colleagues, the partnership or joint-stock company within which they carry on professional activities or a third person who pays fees to those of their client.

33. Sexologists must safeguard their professional independence at all times, in particular,

(1) by ignoring any intervention by a third person that could influence their professional judgment or the performance of their professional activities to the detriment of their client;

(2) by avoiding to use their professional relationship to obtain for themselves or a third person benefits of any nature; and

(3) by avoiding any real or apparent situation of conflict of interest, including when the interests are such that sexologists may tend to favour certain of them over those of their client, or where their integrity and loyalty towards the client may be affected.

34. When sexologists engage in activities which are not related to the profession of sexologist, in particular in connection with an employment, a function, an office or the operation of an enterprise,

(1) they must ensure that those activities do not compromise compliance with this Code; and

(2) they must avoid creating or allowing any ambiguity to persist as to the capacity in which they are acting.

35. Sexologists who become aware that they are in a real or apparent conflict of interest must notify their client and take the means necessary to ensure that the situation does not cause prejudice to the client.

36. A sexologist acting as an expert may not become the attending sexologist of a person having been the subject of the expertise, unless expressly requested by the person and the sexologist has obtained explicit authorization from any person concerned by the change of role.

37. Sexologists must not urge a person insidiously, pressingly or repeatedly to retain their professional services, those of their colleagues or those of the partnership or joint-stock company in which they carry on professional activities, or to participate in research.

38. Sexologists must not perform unwarranted professional acts or unnecessarily increase the number of such professional acts, and must refrain from performing acts that are inappropriate or disproportionate to the client's needs.

39. Sexologists must not issue, out of kindness or for any other reason, inaccurate receipts, falsify or destroy part of or an entire report or record.

40. Except for the remuneration to which they are entitled, sexologists may not receive, pay or offer to pay any benefit, rebate or commission relating to the practice of their profession except for customary tokens of appreciation and gifts of small value.

41. Sexologists must refrain from exerting pressure to influence the board of directors of the Order, a committee of the Order or any other person acting on behalf of the Order.

§6. Quality of practice

42. Sexologists must discharge their professional obligations with competence, loyalty and integrity.

43. Sexologists must avoid any misrepresentation with respect to their competence or the efficiency of their own services or those generally provided by the members of their profession or, where applicable, those generally provided by persons who work with them or who carry on their activities within the same partnership or joint-stock company as them.

44. Sexologists must practise their profession in accordance with scientific principles, in keeping with good practice and generally accepted standards.

45. Sexologists must ensure the quality of their professional services offered to the public, in particular,

(1) by ensuring that their level of competence is kept up to date and developed;

(2) by assessing the quality of their evaluations and actions; and

(3) by promoting education and information measures in the field in which they practise.

46. Before providing professional services, sexologists must evaluate their proficiency, knowledge and the means at their disposal.

47. As soon as the interest of their client so requires and after obtaining the client's consent, sexologists must obtain the assistance from another sexologist or another professional, or refer the client to one of them.

48. Sexologists must acknowledge the client's right to consult another sexologist, another professional or any other competent person. Sexologists may not, by any means whatsoever, interfere with the client's freedom of choice.

49. Sexologists may not issue findings or give opinions or advice unless they have knowledge and sufficient understanding of the facts to do so.

50. Sexologists who produce a written or oral report must limit its content to the interpretations, findings and recommendations based on their professional expertise and related to the practice of the profession.

51. Sexologists called upon to make an assessment must

(1) clearly inform the person who is being assessed of the person to whom the assessment report is being sent and of the manner in which a copy of the report may be requested;

(2) avoid obtaining any information from that person or making any interpretations or comments not relevant to the assessment; any information received that is unrelated to the assessment must remain confidential; and

(3) limit their report or recommendations and, if applicable, their deposition before the court to information relevant to the assessment.

52. Sexologists must refrain from practising their profession if their state of health is an obstacle to doing so, or in any condition or state that may compromise the quality of their professional services or the dignity and image of the profession.

53. Provided they comply with this Code, sexologists may communicate information to the media, make public appearances or make public communications, including on a website, blog or online social network, by means of statements, photographs, images or videos.

54. Sexologists must assume full personal civil liability. They may not evade or attempt to evade personal civil liability, by any means whatsoever, in particular by invoking the liability of the partnership or joint-stock company within which they carry on their professional activities or that of another person practising within that partnership or joint-stock company or by requesting that their client or the client's representative renounce any recourse in case of professional negligence on their part.

§7. Tests and assessment tools and material of a sexual nature

55. Sexologists must take the means necessary not to compromise the validity of a test or assessment tool and must not reveal the protocol to their client.

56. Sexologists must recognize the inherent limits of the measurement instruments they use and exercise caution in interpreting the material, in particular taking into account

(1) the specific characteristics of the tests or of the client that may interfere with their judgment or affect the validity of their interpretation;

(2) the context of the intervention; and

(3) factors that could affect the validity of the measurement instruments or assessment tools and necessitate changes in the administering of tests or the weighting of standards.

57. Sexologists who use material of a sexual nature for educational or therapeutic purposes must comply with the standards of practice and the scientific principles generally recognized in the field. Sexologists must use the material with caution and ensure that

(1) the material of a sexual nature is used after the clientele concerned has been assessed with regard to its receptiveness, development stage, age and cognitive capacity, and after the specific objectives have been determined on the educational or therapeutic plane; and

(2) that each client is informed of the material of a sexual nature to be used and of the objectives pursued through its use.

§8. Withdrawal of professional services

58. Sexologists may not cease to provide professional services to a client before completing the agreed upon services unless they have just and reasonable grounds. Just and reasonable grounds include, in particular:

(1) the inability to establish or maintain a relationship of trust with their client;

(2) lack of benefit to the client from the professional services offered by the sexologist;

(3) the likelihood that maintaining the professional services may, in the sexologist's judgment, become more harmful than beneficial for the client;

(4) the impossibility for the sexologist to maintain a professional relationship with the client, particularly in the presence of a conflict of interest;

(5) inducement by the client to perform illegal, unfair or fraudulent acts or to contravene the provisions of this Code;

(6) non-compliance by the client with the conditions agreed on and the impossibility of entering with the client into a reasonable agreement to reinstate the conditions, including professional fees; and

(7) the sexologist's decision to scale down his or her practice or to put an end to the practice for personal or professional reasons.

59. Sexologists who wish to terminate the relationship with a client must give the client reasonable notice and ensure that the withdrawal of the professional services does not cause prejudice to the client or causes as little prejudice as possible. Sexologists must ensure insofar as they are able that the client may continue to obtain the professional services required.

§9. Professional collaboration and commitment

60. To the extent of their resources, qualifications and experience, sexologists must participate in the development and quality of the profession in particular by accompanying students and by sharing with other sexologists.

To the same extent, sexologists must collaborate with the Order in fulfilling its duties, including its duty to ensure the protection of the public.

61. Sexologists consulted by another sexologist must provide their opinion and recommendations within a reasonable time. If unable to do so, they must so notify the other sexologist as quickly as possible.

62. Sexologists must not use unfair practices against any person with whom they have a professional relationship or damage the person's reputation or breach the person's trust.

63. Sexologists may not take credit for work not performed by them.

64. Sexologists must notify the Order of the fact that a person who is not a member is using the title reserved for sexologists or is illegally practising activities reserved for them.

65. Sexologists must inform the Order if they suspect that the competence or conduct of another sexologist is derogatory to the honour or dignity of the profession.

66. Unless they have serious grounds for refusing, sexologists must accept to participate in a council of arbitration of accounts, a disciplinary council, a professional inspection committee or a review committee.

67. Sexologists must collaborate and reply to any request made by a syndic, an inspector, a member of the professional inspection committee or the secretary of the Order and sexologists must do so within the time and using the mode of communication determined by them.

68. In no circumstances may a sexologist, on being informed of an inquiry into the sexologist's professional conduct or competence or that of the persons who work with the sexologist or who carry on their activities within the same partnership or joint-stock company as the sexologist or on being served with a complaint, communicate with the person who requested the inquiry or made the complaint or with any other person involved in the inquiry or complaint, without the prior written authorization of the syndic.

§10. Research

69. Sexologists who undertake, participate or collaborate in research involving persons must ensure that the project has been approved by a research ethics committee that complies with the standards in force, particularly in regard to the composition of the committee and its operating methods. To that end, sexologists must

(1) inform each of the subjects or representative of the project's objectives and the manner in which it will be conducted and the advantages, risks or disadvantages related to the person's participation;

(2) obtain free and enlightened consent; and

(3) inform the research subject or representative that the consent is revocable at any time.

70. Where the carrying out of a research activity is likely to cause prejudice to persons or the community, sexologists who participate in research must advise the research ethics committee or another appropriate authority.

71. Sexologists must cease any form of participation in a research activity if the disadvantages for the subjects appear to outweigh the expected benefits.

72. Sexologists must not conceal the negative results of research in which they have taken part.

§11. Fees

73. Sexologists must charge and accept fair and reasonable fees warranted by the circumstances and the costs of providing the professional services. To determine their fees, sexologists must consider the following factors:

(1) their experience and particular competence;

(2) the time required to provide the professional services;

(3) the nature and complexity of the professional services;

(4) the performance of professional services that are unusual or provided in unusual conditions;

(5) the performance of professional services that require exceptional competence or celerity;

(6) the disbursements and expenses incurred.

74. Sexologists may, by written agreement with the client,

(1) require partial payment if they act as consultants to a client in connection with a long-term contract;

(2) require administrative fees for an appointment missed or cancelled by the client according to predetermined and agreed-upon conditions, those fees not to exceed the amount of the lost fees; and

(3) subject to law, charge fees supplementary to those reimbursed by a third person.

75. Sexologists must produce an intelligible statement of fees to their clients and provide them with all explanations necessary to an understanding of the statement.

76. Outstanding accounts of sexologists bear interest at the rate agreed in advance with their client.

77. Before instituting legal proceedings, sexologists must have exhausted all means available to recover their fees and other expenses.

§12. Obligations and restrictions respecting advertising

78. Sexologists may not use or allow to be used in advertising any endorsement or statement of gratitude in their regard other than awards for excellence and other merits related to the practice of the profession.

79. In all advertising, sexologists must refrain from adopting attitudes and methods or using advertising practices likely to impart a mercantile character to the profession.

80. All advertising must indicate the sexologist's name along with the professional title. Where there are members of various professions included in the name of a partnership or joint-stock company, the title of each professional must appear.

81. Where sexologists reproduce the graphic symbol of the Order for advertising purposes, they must ensure that the symbol conforms to the original held by the Order.

82. Where sexologists use the graphic symbol of the Order in their advertising, they may not suggest that such advertising emanates from the Order.

83. Sexologists must refrain from participating as sexologists in any form of advertising that recommends that the public buy or use a product or service unrelated to the field of sexology.

84. Sexologists must keep a copy of every advertisement for a period of 3 years following the date on which it was last broadcast or published. The copy must be given, on request, to the syndic, an inspector or a member of the professional inspection committee.

85. 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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