

Gouvernement du Québec

**O.C. 193-96, 14 February 1996**

Nurses Act  
(R.S.Q., c. I-8)

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

**Nurses**

— **Code of ethics**

— **Amendments**

Regulation to amend the Code of ethics of nurses

WHEREAS under section 3 of the Nurses Act (R.S.Q., c. I-8), subject to that Act, the Ordre des infirmières et infirmiers du Québec, hereinafter called “the Order”, and its members shall be governed by the Professional Code (R.S.Q., c. C-26);

WHEREAS pursuant to the Professional Code, the Order made the Code of ethics of nurses (R.R.Q., 1981, c. I-8, r. 4);

WHEREAS under section 87 of the Professional Code, as it read in 1992, the Bureau of a professional order shall adopt, by regulation, a code of ethics governing the general and special duties of the professional towards the public, his clients and his profession, particularly the duty to discharge his professional obligations with integrity; such code must contain, *inter alia*, provisions setting out conditions, obligations and, where applicable, prohibitions in respect of advertising by members of the Order;

WHEREAS pursuant to that section, the Bureau of the Order adopted, at a meeting held on 30 and 31 January 1992, the French and English versions of the Regulation to amend the Code of ethics of nurses;

WHEREAS in accordance with the third paragraph of section 95 of the Professional Code, as it read in the fall of 1991, the secretary of the Order sent a draft of that Regulation to every member of the Order at least thirty days before its making by the Bureau of the Order;

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), that regulation was published as a draft in Part 2 of the *Gazette officielle du Québec* of 21 October 1992;

WHEREAS that Regulation was accompanied by a notice indicating that it could be submitted to the Govern-

ment for approval, with or without amendment, upon the expiry of 45 days following that publication and inviting any person having comments to make to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec;

WHEREAS following that publication, the Chairman of the Office received no comments;

WHEREAS pursuant to section 95 of the Professional Code, amended by section 83 of Chapter 40 of the Statutes of 1994, subject to sections 95.1 and 95.2 of the Code, any regulation made by the Bureau of a professional order under that Code or the Act constituting the professional order shall be transmitted to the Office for examination; it shall be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS at its sitting of 21 June 1995, the Office examined the Regulation and recommended that it be approved by the Government with amendments;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of nurses, attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Code of ethics of nurses**

Nurses Act  
(R.S.Q., c. I-8, s. 3)

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

**1.** The Code of ethics of nurses (R.R.Q., 1981, c. I-8, r. 4) is amended by striking out the first sentence of section 3.02.02.

**2.** The Code is amended by inserting the following Divisions after section 4.03.01:

**“DIVISION V**  
**CONDITIONS, OBLIGATIONS AND**  
**PROHIBITIONS RESPECTING ADVERTISING**  
**BY A NURSING PROFESSIONAL**

**5.01** No nursing professional may, in any way whatsoever, engage in advertising that is false, misleading or incomplete as to the professional services he provides or will be required to provide.

**5.02** In his advertising, a nursing professional may not claim to possess specific qualities or skills unless he can substantiate such claim.

**5.03** In his advertising, a nursing professional may not compare the quality of his services with the services provided or that may be provided by other nursing professionals, and may not discredit or denigrate the services provided or that may be provided by other nursing professionals.

**5.04** In his advertising, a nursing professional may not use or allow the use of an endorsement or a statement of gratitude.

The first paragraph does not prevent a nursing professional from mentioning in his advertising an award for excellence or any other prize underlying a specific contribution or achievement.

**5.05** No nursing professional may, in any way whatsoever, engage in advertising that is likely to unduly influence persons who may be physically or emotionally vulnerable because of their age or state of health or the occurrence of a specific event.

**5.06** A nursing professional must avoid all advertising likely to tarnish the image of the profession or to impart to it a profit-seeking or commercial character.

**5.07** A nursing professional may not advertise miraculous treatment or care the scientific value or effectiveness of which is not recognized.

**5.08** A nursing professional who advertises prices or fees shall

- (1) establish fixed amounts;
- (2) specify the services covered by those amounts;
- (3) indicate whether or not disbursements are included in the amounts;
- (4) indicate whether additional services are required and specify whether they are included in the amounts.

The fixed amounts must remain in effect for a minimum period of 90 days after the last broadcasting or publication of the advertisement.

**5.09** Any advertising by a nursing professional must be of such a nature as to adequately inform persons who have no particular knowledge of the field referred to in the advertising.

**5.10** A nursing professional must keep a complete copy, in writing or on an electronic media, of every advertisement for a period of at least 5 years following the date on which it was last published or broadcast. The copy must be given to the syndic of the Order upon his request.

**5.11** A nursing professional who practises in a partnership is jointly and severally responsible with the other nursing professionals for complying with the rules respecting advertising, unless the advertisement clearly indicates the names of those responsible therefor or unless the nursing professional demonstrates that the advertisement was published or broadcast without his knowledge or consent or in spite of the measures taken to ensure compliance with those rules.

**DIVISION VI**  
**GRAPHIC SYMBOL OF THE ORDER**

**6.01** The Ordre des infirmières et infirmiers du Québec must be represented by a graphic symbol that is in conformity with the original held by the secretary of the Order.

**6.02** Where a nursing professional reproduces the graphic symbol of the Order for advertising purposes, he must ensure that such reproduction is in conformity with the original held by the secretary of the Order.

**6.03** Where a nursing professional uses the graphic symbol of the Order for advertising purposes elsewhere than on a business card, he must include the following warning in the advertisement:

“This advertisement does not originate from the Ordre des infirmières et infirmiers du Québec; it commits the liability of its author only.”.

Where a nursing professional uses the graphic symbol of the Order for advertising purposes, including on a business card, he may neither juxtaposed the name of the Order nor use it otherwise, except to indicate that he is a member thereof.”.

**3.** This Regulation replaces the Regulation respecting advertising by nurses (R.R.Q., 1981, c. I-8, r. 12).

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

9609

Gouvernement du Québec

**O.C. 194-96**, 14 February 1996

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

**Respiratory therapists  
— Conciliation and arbitration procedure  
for the accounts**

Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre professionnel des inhalothérapeutes du Québec

WHEREAS under section 88 of the Professional Code (R.S.Q., c. C-26), amended by section 76 of Chapter 40 of the Statutes of 1994, the Bureau of the Ordre professionnel des inhalothérapeutes du Québec must establish, by regulation, a conciliation and arbitration procedure for the accounts of the members of the order which may be used by persons having recourse to the services of the members;

WHEREAS under the above-mentioned section of the Code, that Bureau adopted a Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre professionnel des inhalothérapeutes du Québec;

WHEREAS under section 95.3 of the Professional Code, the secretary of the Order sent a draft of that Regulation to every member of the order at least 30 days before its adoption by the Bureau;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of that Regulation was published in Part 2 of the *Gazette officielle du Québec* of 16 August 1995 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS in accordance with section 95 of the Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre professionnel des inhalothérapeutes du Québec, attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

**Regulation respecting the conciliation  
and arbitration procedure for the ac-  
counts of members of the Ordre  
professionnel des inhalothérapeutes du  
Québec**

Professional Code  
(R.S.Q., c. C-26, s. 88)

**DIVISION I  
CONCILIATION**

**1.** A client who has a dispute with a member of the Ordre professionnel des inhalothérapeutes du Québec concerning the amount of an unpaid account for professional services may file a written application for conciliation with the syndic, provided that the member has not instituted proceedings to recover the account.

**2.** A client who has a dispute with a member concerning the amount of an account for professional services that he has already paid in whole or in part may also file a written application for conciliation with the syndic within a 60-day period from the date of receipt of the account.

Where 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.

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

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