

Regulations and other acts

Gouvernement du Québec

O.C. 577-96, 15 May 1996

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

Speech therapists and audiologists — Code of ethics

Code of ethics of the Ordre des orthophonistes et audiologistes du Québec

WHEREAS under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Ordre des orthophonistes et audiologistes du Québec must make, 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 obligation with integrity;

WHEREAS the Bureau made the Code of ethics of speech therapists and audiologists (R.R.Q., 1981, c. C-26, r. 123);

WHEREAS under section 87 of the Professional Code, as amended by section 3 of Chapter 76 of the Statutes of 1990, the Bureau of the Ordre des orthophonistes et audiologistes du Québec must make, by regulation, a code of ethics containing provisions setting out conditions, obligations and, where applicable, prohibitions in respect of advertising by its members;

WHEREAS under section 87 of the Professional Code, as amended by section 75 of Chapter 40 of the Statutes of 1994, the Bureau of the Ordre des orthophonistes et audiologistes du Québec must make, by regulation, a code of ethics containing provisions setting out the conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Professional Code;

WHEREAS it is expedient to replace that Code of ethics;

WHEREAS under the above-mentioned section, the Bureau made the Code of ethics of the Ordre des orthophonistes et audiologistes du Québec;

WHEREAS under section 95.3 of the Professional Code, the secretary of the Order sent a draft of it 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 a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 2 August 1995 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following the date of that publication;

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

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 Code of ethics of the Ordre des orthophonistes et audiologistes du Québec, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Code of ethics of the Ordre des orthophonistes et audiologistes du Québec

Professional Code
(R.S.Q., c. C-26, s. 87; 1994, c. 40, s. 75)

CHAPTER I DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

1. A member of the Ordre des orthophonistes et audiologistes du Québec shall act with dignity and shall avoid all methods and attitudes liable to detract from the good reputation of the profession and from the member's ability to serve the public interest. The conduct of a speech therapist or an audiologist must in no way be directed by pecuniary or commercial considerations.

2. A member shall promote improvement in the quality and availability of professional services in the field in which he practises.

3. A member shall promote public education and information measures in the field in which he practises.

4. In the practice of his profession, a member shall take into account the scientific principles generally recognized in speech therapy and audiology.

5. In the practice of his profession, a member shall take into account the overall foreseeable impact that his research and work may have on society.

6. A member shall keep pace with developments in the fields in which he practises and shall maintain his competence in those fields.

CHAPTER II DUTIES AND OBLIGATIONS TOWARDS CLIENTS

DIVISION I GENERAL

7. Before accepting a mandate, a member shall take into account the limits of his abilities and knowledge, the standards and criteria of the field in which he practises and the means at his disposal.

8. In the practice of his profession, and specifically in his dealings with clients, a member shall identify himself as a speech therapist or audiologist.

9. A member shall at all times acknowledge a client's right to consult another member, a member of another professional order or another qualified person.

10. A member shall refrain from practising in conditions liable to compromise the quality of his services.

11. A member shall provide appropriate supervision to any student or person for whom he is responsible. The member remains the person who bears responsibility with respect to clients.

12. A member shall endeavour to establish a relationship of mutual trust between the client and himself. To that end, the member shall, among others,

(1) refrain from practising his profession in an impersonal manner; and

(2) conduct his interviews in a manner that respects the scale of values and personal convictions of his client, where the client informs him thereof.

13. A member shall not interfere in the personal affairs of his client in matters not within the competence generally recognized for his profession, so as not to unduly restrict the client's autonomy.

DIVISION II INTEGRITY

14. A member shall discharge his professional duties with integrity, objectivity and moderation.

15. A member shall avoid any misrepresentation with respect to his level of competence or the effectiveness of his own services or of those generally provided by the members of his profession. Where the good of a client so requires, the member shall, with the client's authorization, consult another member, a member of another professional order or another qualified person, or shall refer the client to such a person.

16. A member shall promptly inform the client of the scope, terms and conditions of the mandate conferred on him by the client, and shall obtain the client's consent thereto or, where the client is unable to give his consent, that of the person legally responsible for the client.

17. A member shall provide the client with a complete and objective explanation of the nature and scope of the problem and of the objectives that will be pursued during treatment.

18. A member shall refrain from giving contradictory or incomplete opinions and advice. To that end, he shall endeavour to obtain full knowledge of the facts before giving an opinion or advice.

19. A member shall inform the client as soon as possible of any error that he commits in rendering a professional service and that is potentially detrimental to the client and difficult to rectify.

20. A member shall not perform unwarranted professional acts or unnecessarily increase the number of professional acts, and shall refrain from performing acts that are inappropriate or disproportionate to the client's needs.

21. A member shall inform his client of any illegal act that is of potential benefit to the client and which comes to the member's knowledge in the execution of his mandate.

DIVISION III AVAILABILITY AND DILIGENCE

22. In the practice of his profession, a member shall display reasonable availability, attention and diligence. Where he is unable to comply with a request within a reasonable time, he shall inform the client as to when he will be available.

23. A member shall provide a client with the explanations necessary to his understanding and appreciation of the services rendered.

24. A member shall render accounts to his client where the client so requires.

25. A member shall not cease to act on behalf of a client unless he has sound and reasonable grounds for doing so. Such grounds are sound and reasonable where, in particular

(1) the client has lost faith in the member;

(2) the client no longer derives any benefit from the member's services;

(3) the member is in a situation of conflict of interest or a situation in which his professional independence could be questioned; or

(4) the client attempts to induce the member to commit illegal, unfair or fraudulent acts.

26. Before ceasing to perform his duties on behalf of a client, a member shall give reasonable advance notice of cessation and shall ensure that the cessation of services will not be detrimental to his client.

27. A member shall display objectivity and impartiality when persons other than his clients ask him for information.

DIVISION IV LIABILITY

28. In the practice of his profession, a member shall fully commit his civil liability. He is thus prohibited from inserting in a contract for professional services a clause that directly or indirectly excludes all or part of such liability.

DIVISION V INDEPENDENCE AND IMPARTIALITY

29. In the practice of his profession, a member shall subordinate his personal interests to the interests of his clients and those of the public in general.

30. A member shall ignore any intervention by a third party that could influence the performance of his professional duties to the detriment of a client.

31. A member shall at all times safeguard his professional independence and shall avoid all situations of conflict of interest.

32. A member shall not practise speech therapy or audiology in a situation of conflict of interest.

33. A member is in a situation of conflict of interest where, in particular,

(1) he shares his fees with another person, and the distribution of the fees does not correspond to the distribution of the services rendered and the responsibilities assumed;

(2) he receives any commission, rebate, advantage or other benefit of a similar nature from a person selling or manufacturing equipment or materials used in speech therapy or audiology, or from a person selling or manufacturing hearing aids or technical communication aids, where such situation requires that the member limit or direct a client's choice in respect of the acquisition of such equipment or material;

(3) he rents space or facilities from or uses the space or facilities of a person who sells or manufactures equipment or materials used in speech therapy or audiology, or from a person who sells or manufactures hearing aids or technical communication aids, unless, under a lease or a user's contract, the cost of renting or using the space or facilities corresponds to the real leasing value or use value and the situation does not require that the member limit or direct a client's choice in respect of the acquisition of such equipment or material; or

(4) he practises speech therapy or audiology with another person or other persons, in a partnership or for the account of a natural person or legal person having interests in the sale of hearing aids.

34. A member shall not induce a person repeatedly or in a pressing manner to purchase or rent technical aids or other therapeutic material.

DIVISION VI PROFESSIONAL SECRECY

35. A member shall maintain professional secrecy.

36. A member may be released from professional secrecy with his client's written authorization or where so ordered by law.

37. Where a member asks a client to disclose confidential information or allows a client to disclose such information, he shall ensure that the client is fully aware of the goal underlying the interview and of the various ways in which the confidential information may be used.

38. A member shall not disclose that a person has made use of his services unless the nature of the case requires such disclosure.

39. A member shall avoid indiscreet conversations about a client or the services rendered to a client.

40. A member shall not make use of confidential information to the detriment of a client or with a view to obtaining, directly or indirectly, a benefit for himself or others.

41. A member shall preserve the anonymity of a client where he uses information concerning the client for didactic or scientific purposes. Where anonymity cannot be preserved, the member shall obtain the client's written authorization.

DIVISION VII

ACCESSIBILITY AND CORRECTION OF RECORDS

42. A member shall allow a client to consult documents that concern him in any record made in his regard and to obtain a copy of such documents. Notwithstanding the foregoing, the member may refuse access to information contained in such record where its disclosure would in all probability be seriously detrimental to the client or a third party.

43. Where information contained in a document concerning a client and included in a record made in his regard is inaccurate, incomplete or ambiguous in relation to the purposes for which it was gathered, the member shall allow his client to have the information corrected. The member shall also allow his client to have any information deleted where it is out of date or is unwarranted in relation to the purpose of the record, or shall allow his client to draw up written comments and add them to the record.

44. A member who holds a record in respect of which the person concerned requests access or correction shall promptly follow up on the request and shall do so at the latest within 20 days following the date of the request.

45. Access to information contained in a record shall be given free of charge. Notwithstanding the foregoing, a fee not exceeding the cost of transcribing, copying or sending the information may be imposed on the person requesting the information. Where a member intends to impose a fee under this section, he shall, before transcribing, copying or sending the information, inform the client of the approximate amount exigible.

46. A member who denies a request for access or correction on the part of the person concerned shall

inform the person in writing of the denial, of the reasons therefor and of the remedies open to him.

47. A member who complies with a request for correction shall issue free of charge to the person requesting the correction a copy of any information that is changed or added or, as the case may be, shall provide the person with an attestation that information has been deleted.

Such person may require that the member transmit a copy of that information or, as the case may be, of that attestation to the person from whom he obtained the information or to any person to whom the information was transmitted.

48. A member who denies a request for access to or correction of information that he holds shall keep the information during the time it takes for the person concerned to exhaust the remedies provided for by law.

DIVISION VIII

SETTING AND PAYMENT OF FEES

49. A member shall charge and accept fair and reasonable fees warranted in the circumstances and proportionate to the services rendered.

He shall, in particular, take the following factors into account when setting his fees:

- (1) his experience;
- (2) the time required to execute the professional service;
- (3) the complexity and scope of the service; and
- (4) the need to perform unusual services or services requiring exceptional competence or speed.

50. For a given service, a member shall accept fees from only one source, unless there is a clear agreement to the contrary between all the parties concerned.

51. A member shall provide the client with all necessary explanations in respect of his statement of fees and the terms of payment.

52. A member shall inform the client of the approximate cost of his services.

53. A member shall not demand advance payment of his professional fees. Under a written agreement with his client, he may request an advance to cover expenditures that must be made in rendering the professional services required.

54. A member shall not charge interest on outstanding accounts without first duly notifying his client. In such case, the member shall charge a reasonable rate of interest.

55. Before resorting to legal procedures, a member shall exhaust all the other means at his disposal to obtain payment of his fees.

56. Where a member entrusts another person with the collection of his fees, he shall as far as possible ensure that the person acts with tact and moderation.

CHAPTER III DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

DIVISION I INCOMPATIBLE OFFICES AND FUNCTIONS

57. A member shall not, directly or indirectly, have any financial interests in the sale of hearing aids.

DIVISION II DEROGATORY ACTS

58. A member shall not perform the following acts, which, in addition to the acts listed in sections 57, 58, 59.1 and 59.2 of the Professional Code (R.S.Q., c. C-26), are derogatory to the dignity of the profession:

(1) inducing someone repeatedly or in a pressing manner to use his professional services;

(2) claiming a sum of money from a client for a professional service or part of a professional service whose cost is to be assumed by a third party, unless there is a formal agreement to that effect between the member, the client and the third party;

(3) communicating with the plaintiff without the prior written permission of the syndic or assistant syndic, where the member is informed of an inquiry into his conduct or professional competence, or where a complaint has been served on him;

(4) failing to inform the Order where he has reason to believe that a member is incompetent or has departed from the professional code of ethics;

(5) submitting to a client a statement of fees for a meeting, a telephone call or correspondence with the syndic, where the syndic has asked the member for an explanation or information in respect of a complaint by a client or any other person;

(6) claiming fees for professional acts not performed, unless there is a prior written agreement with the client stipulating the conditions in which the member may claim such fees;

(7) providing a receipt or other document falsely indicating that services have been rendered;

(8) failing to inform the Order as soon as possible that a candidate does not fulfil the Order's admission requirements;

(9) failing to inform the Order as soon as possible of the fact that a person has wrongfully assumed the title of speech therapist or audiologist;

(10) consulting, collaborating with or coming to an agreement with, for the purposes of treating a client, a person he suspects of not possessing the knowledge appropriate to the field in which the person practises;

(11) directly or indirectly guaranteeing the success of treatment; and

(12) procuring for a client or causing a client to procure any unwarranted material advantage, in particular by falsifying a declaration, report or other document concerning the health of a client or the treatment given to him.

DIVISION III RELATIONS WITH THE ORDER AND WITH COLLEAGUES

59. Where the Order requests that a member take part in a council of arbitration of accounts, a committee on discipline or a professional inspection committee, the member shall accept the duty unless he has reasonable grounds for refusing.

60. A member shall reply promptly to all correspondence sent by the syndic of the Order, investigators or members of the professional inspection committee.

61. A member shall not abuse the good faith of another member or be guilty of a breach of trust or unfair tactics in respect of another member. In particular, a member shall not take credit for work performed by another member.

62. A member who is consulted by a colleague shall give the colleague his opinion and recommendations as promptly as possible.

63. A member who is called upon to collaborate with another member or another person shall maintain his

professional independence. He is not bound to perform any task that goes contrary to his professional conscience or the principles governing the practice of his profession.

64. A member who practises his profession jointly with other members or other persons shall see that such practice is in no way detrimental to the client.

65. A member shall not undermine the reputation of his profession by denigrating the competence, knowledge or services of another member.

DIVISION IV CONTRIBUTION TO THE ADVANCEMENT OF THE PROFESSION

66. A member shall contribute to the development of his profession, in particular by facilitating the sharing of his knowledge and experience with colleagues and students, and by taking part in scientific conferences, courses and ongoing training activities organized by the Order.

DIVISION V PUBLIC STATEMENTS

67. In public statements dealing with speech therapy or audiology, a member shall avoid the use of exaggeration and shall refrain from making assertions of a sensational nature.

68. A member shall stress the relative value of information or advice given during any professional consultation activity intended for the public, whether it be a public conference or demonstration, a newspaper or magazine article, a radio or television program, or a text or message delivered by mail.

69. A member who is involved in the commercial distribution of instruments, books or other products related to speech therapy or audiology shall base any statement concerning the operation, advantages and performance of such products on scientifically and professionally acceptable proof.

DIVISION VI STANDARDS FOR THE USE AND INTERPRETATION OF TESTS IN SPEECH THERAPY AND AUDIOLOGY

70. A member shall apply the principles generally accepted in speech therapy and audiology when administering, interpreting and using tests in speech therapy and audiology, and when publishing tests and information that must be provided with the related manuals and documents.

71. A member shall exercise caution in interpreting the results of tests in speech therapy and audiology.

72. A member shall refrain from administering tests by mail or by telephone.

73. A member shall not give to a person other than a fellow member the raw, unprocessed data resulting from a consultation in speech therapy or audiology.

74. Where a member communicates information, he shall avoid all possibility of erroneous interpretation or use.

DIVISION VII RESEARCH

75. Subject to articles 20 to 23 of the Civil Code of Québec, a member, before undertaking a research project, shall inform the participants of the objectives of the research project and of other considerations that may help them decide whether to participate.

76. A member shall be honest and open in his relations with the participants. Where the research methodology requires that certain aspects of the research not be revealed to the participants immediately, the member shall explain the reasons for such procedure as soon as possible after completion of the experiment.

77. The consent to participate in a research shall be given in writing and may be revoked at all times, even verbally.

78. The participation in a research may not lead to any financial consideration, except the payment of a compensation for the losses incurred and the constraints endured.

CHAPTER IV PROHIBITIONS AND OBLIGATIONS IN RESPECT OF ADVERTISING

79. A member may include in his advertising any information that will help the public to make an informed choice and that will facilitate access to useful or necessary services.

80. A member shall not engage in or allow the use of, by any means whatsoever, advertising that is liable to mislead.

81. A member shall not claim to possess specific qualities or skills, particularly in respect of his level of competence or the range or effectiveness of his services, unless he can substantiate such claim.

82. In his advertising, a member shall not use or allow the use of an endorsement or a statement of gratitude concerning him, except awards for excellence or other merits received in recognition of a contribution or an achievement the honour of which is shared by all members of the profession.

83. A member who advertises his professional fees shall do so in a manner that can be understood by a public having no particular knowledge of speech therapy or audiology. The member shall

(1) keep the fees in force for the period of time indicated in the advertisement, with that period lasting no less than 90 days following the last authorized broadcasting or publication of the advertisement; and

(2) indicate the services covered by the fees.

84. In advertising a special price or a reduction, a member shall indicate the period of time for which the special price or the reduction will be valid. That period of time may be less than 90 days.

85. In an advertising statement or message, a member shall not, by any means whatsoever, place more emphasis on a special price or a reduced price than on the service offered.

86. All advertisements shall indicate the name and title of the member.

87. No member shall, in any way whatsoever, use or allow the use of advertising intended to exploit or take advantage of persons who may be physically or emotionally vulnerable.

88. A member shall keep a complete copy of every advertisement in its original format for a period of 5 years following the date on which it is last broadcast or published. The copy shall be submitted to the syndic on request.

CHAPTER V FIRM NAME AND GRAPHIC SYMBOL

89. Subject to section 90, the names appearing in the firm name of a partnership of professionals shall be only the names of the speech therapists, audiologists or other professionals who practise their profession within the firm.

The firm name of an office may end with “and Associates” where the names of at least 2 partners are not included in the firm name.

90. Within one year after a member leaves an office or dies, his name shall no longer appear in the firm name or in any advertising-related document of the office he has left, unless agreements to the contrary exist between the office and the member or his assigns.

91. Where a member reproduces the graphic symbol of the Order for advertising purposes, he shall ensure that the symbol is a true replica of the original held by the secretary of the Order.

An advertisement containing the graphic symbol of the Order shall include the following: “member of the Ordre des orthophonistes et audiologistes du Québec”.

CHAPTER VI FINAL

92. This Regulation replaces the Code of ethics of speech therapists and audiologists (R.R.Q., 1981, c. C-26, r. 123).

93. This Regulation replaces the Regulation respecting advertising by speech therapists and audiologists, approved by Order in Council 1271-88 dated 24 August 1988.

94. 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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Gouvernement du Québec

O.C. 584-96, 22 May 1996

An Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation
(R.S.Q., c. M-14)

Signing of certain official documents — Amendments

Regulation to amend the Regulation respecting the signing of certain official documents of the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation

WHEREAS under the first paragraph of section 12 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., c. M-14), no deed, document or writing is binding upon the department or attributable to the Minister unless signed by him, the Deputy Minister or an officer and only, in the last case, to the extent determined by regulation of the Government published in the *Gazette officielle du Québec*;