

Draft Regulation

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

Respiratory therapists — 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 Board of the Ordre professionnel des inhalothérapeutes du Québec made the “Code of Ethics of Respiratory therapists”.

The Regulation will be examined by the Office des professions du Québec pursuant to section 95 of the Professional Code. Thereafter, it shall be submitted, with the recommendation of the Office, to the Government, which may approve it with or without amendment, upon the expiry of forty-five days following this publication.

According to the Ordre professionnel des inhalothérapeutes du Québec, this Regulation replaces the Code of Ethics of Respiratory Therapists of Québec (R.R.Q., 1981, c. C-26, r. 121.1).

According to the Order, the Regulation introduces, in the section on general duties and obligations to the public, specific obligations to update their knowledge by respiratory therapists and to improve and correct, if necessary, their attitudes. The Regulation also provides for certain conditions, obligations and prohibitions regarding the advertising done by a respiratory therapist, as well as some rules concerning the patient accessibility to his record and the right of the latter to have corrected information which is inaccurate, incomplete or ambiguous. Some clauses restricting the use of the graphic symbol of the order are also introduced.

For citizens, this Regulation will contribute toward improving the quality of services provided by respiratory therapists. Otherwise, there is no impact on businesses, particularly on small and medium-sized businesses.

Additional information may be obtained by contacting Mrs. Andrée Lacoursière, Assistant executive director of the Ordre professionnel des inhalothérapeutes, 1610, rue Sainte-Catherine Ouest, bureau 409, Montréal (Québec), H3H 2S2, telephone no: (514) 931-2900 or 1-800-561-0029; fax no: (514) 931-3621.

Any person having comments to make is asked to transmit them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, complexe de la Place-Jacques-Cartier, 320, rue Saint-

Joseph Est, 1^{er} étage, Québec (Québec), G1K 8G5. Those comments will be forwarded by the Office to the Minister responsible for the administration of legislation concerning the professions; they may be also forwarded to the professional association that made the Regulation as well as to the persons, departments and agencies concerned.

ROBERT DIAMANT,
*Chairman of the Office des
professions du Québec*

Code of Ethics of Respiratory Therapists of Québec

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

DIVISION I DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

1. A respiratory therapist shall support every measure likely to improve the quality and availability of respiratory therapy professional services.

2. In the practice of his profession, the respiratory therapist shall take into account all foreseeable consequences to public health liable to result from his research and work.

3. A respiratory therapist shall practise his profession in accordance with the highest possible standards, and shall maintain and perfect his knowledge and skills to this end. A respiratory therapist shall furthermore seek to improve his attitudes and correct them if necessary.

4. A respiratory therapist shall promote measures of education and information relevant to respiratory therapy. He shall also, in the practice of his profession, perform those acts necessary to ensure such education and information.

5. In the practice of his profession, the respiratory therapist shall demonstrate reasonable availability and diligence.

DIVISION II DUTIES AND OBLIGATIONS TOWARDS CLIENTS

§1. General provisions

6. Before performing a professional act, the respiratory therapist shall take into account the limitations of his knowledge, abilities, and means at his disposal.

7. A respiratory therapist shall at all times acknowledge a client's right to consult another member of the Order, a member of another professional order, or any other competent person.

8. A respiratory therapist shall refrain from practising his profession under conditions or in situations likely to impair the quality of his services or the dignity of the profession.

9. A respiratory therapist shall endeavour to establish a relationship of mutual trust between himself and his client. To this end, he shall deliver his services in a personalized manner.

§2. Integrity

10. A respiratory therapist shall discharge his professional duties with integrity.

11. A respiratory therapist shall avoid all false representations with respect to his level of competence or the effectiveness of his services and those generally provided by members of the Order.

12. If the client's welfare so requires, the respiratory therapist shall, with the client's authorization, consult a member of the Order, a member of another order, or any other competent person, or refer him to one of these persons.

§3. Availability and diligence

13. In addition to opinion and advice, a respiratory therapist shall provide his client with the explanations necessary for the understanding and appreciation of the services rendered.

14. Before ceasing to execute his duties on behalf of a client, a respiratory therapist shall ensure that termination of services is not prejudicial to the client.

15. A respiratory therapist shall not refuse to render services where the client's life is in danger.

§4. Independence and impartiality

16. A respiratory therapist shall subordinate his personal interests to those of his client.

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

18. A respiratory therapist shall refrain from intervening in his client's personal affairs in matters that are not within the scope of his professional competence, and shall not unduly restrict the client's autonomy.

19. A respiratory therapist shall safeguard his professional independence at all times, and shall avoid any situation in which he could be in conflict of interest.

§5. Liability

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

§6. Professional secrecy

21. A respiratory therapist is bound by professional secrecy.

22. A respiratory therapist shall preserve the secrecy of all confidential information obtained from clients in the practice of his profession.

23. A respiratory therapist may be released from his obligation of professional secrecy only with the authorization of his client or where so ordered by law.

24. A respiratory therapist shall avoid all indiscreet conversation about a client or services rendered to a client.

§7. Accessibility of and corrections to records

25. A respiratory therapist shall permit his client to examine documents concerning him in any record established in his respect, and to obtain a copy of such documents. However, a respiratory therapist may refuse to allow access to information contained in the records where its disclosure would be likely to cause serious harm to the client or to a third person.

Where the services of a respiratory therapist have been medically prescribed, the respiratory therapist shall not permit the recipient of such services to examine documents concerning him in any record established in his respect, or to obtain a copy of such documents, without the authorization of the professional who has prescribed the services. Refusal by such other professional to allow access releases the respiratory therapist from his obligations in respect of accessibility of the record.

26. Subject, if applicable, to authorization by the professional who requested his services, a respiratory therapist shall allow his client to cause any information to be corrected that is inaccurate, incomplete, or ambiguous with regard to the purpose for which it was collected, contained in a document concerning the client in any record established in his respect.

Subject, if applicable, to authorization by the professional who requested his services, a respiratory therapist shall allow his client 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.

Refusal to allow correction, on the part of the professional who requested his services, releases the respiratory therapist from his obligation with respect to corrections to the record.

27. Access to information contained in a record is free. Nevertheless, fees not exceeding the costs of transcription, reproduction, or transmission may be charged to the person requesting information. A respiratory therapist who intends to charge fees under this section must inform the person of the approximate amount that will be charged before transcribing, reproducing, or transmitting the information.

28. A respiratory therapist who has in his possession a record in respect of which a request for access or correction has been made by the person concerned must accede to this request with due diligence.

29. A respiratory therapist who grants a request for correction shall, without charge, deliver a copy of all information that has been changed or added or, as the case may be, a certification that information has been deleted, to the person so requesting. The person may require the respiratory therapist to transmit a copy of the information, or the certification, as the case may be, to the person from whom such information was obtained or to any other person to whom such information was given.

30. A respiratory therapist who refuses to grant the request of an interested person for access or correction shall notify him in writing, giving reasons and informing him of his recourses.

31. A respiratory therapist who has information in respect of which a request for access or correction has been denied shall continue to keep such information for the time required to allow the person concerned to exhaust his recourses under the law.

§8. Determination and payment of fees

32. A respiratory therapist shall only charge or accept fees that are fair and reasonable, warranted under the circumstances, and proportional to the services rendered.

33. In determining his fees, a respiratory therapist shall, in particular, take the following factors into account:

(1) his experience;

(2) the time required to execute the professional service;

(3) the degree of difficulty and importance of the service;

(4) the performance of unusual services or services requiring exceptional competence or speed.

34. A respiratory therapist shall provide his client with all the explanations he needs to understand the statement of fees and method of payment.

35. A respiratory therapist shall inform his client of the approximate anticipated cost of his services.

36. A respiratory therapist shall refrain from demanding advance payment of his fees. He may, however, by written agreement with the client, require payment on account to cover disbursements that are necessary for the execution of the required professional services.

37. A respiratory therapist shall not charge interest on outstanding accounts without first duly notifying his client. The rate of interest so charged must be reasonable.

38. Before having recourse to legal proceedings, a respiratory therapist must have exhausted all other means at his disposal for obtaining payment of his fees.

39. Where a respiratory therapist entrusts the collection of his fees to another person, he shall ensure that such person acts with tact and moderation.

DIVISION III DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

40. In addition to the acts mentioned in sections 57, 58, 59.1, and 59.2 of the Professional Code (R.S.Q., c. C-26), the following constitute acts that are derogatory to the dignity of the profession:

(1) practising the profession while under the influence of alcohol, drugs, hallucinogens, narcotics, anaesthetics, or any other substance liable to compromise the quality of his services or the client's safety;

(2) voluntarily abandoning a client who requires supervision or refusing to provide care without sufficient cause and without ensuring competent relief in those cases where he can reasonably do so;

(3) ignoring or changing a medical prescription;

(4) entering false information into a client's record, or inserting notes under another person's signature;

(5) altering notes previously entered into a client's record or replacing any part thereof with the intention of falsifying them;

(6) urging someone repeatedly or insistently, whether personally or through another natural or legal person, partnership, group, or association, to use his professional services;

(7) using confidential information to the detriment of a client with a view to obtaining a direct or indirect benefit for himself or another person;

(8) sharing his fees with another person who is not a member of the Order;

(9) receiving paying, or undertaking to pay any benefit, rebate, or commission in connection with the practice of his profession, other than the remuneration to which he is entitled;

(10) failing to report to the Order without delay any person appropriating the title of respiratory therapist.

41. A respiratory therapist whose participation on a committee is requested by the Order shall accept that duty insofar as it is possible for him to do so.

42. A respiratory therapist shall reply promptly to all correspondence from the Order, and in particular, from the syndic or an assistant syndic, an expert appointed to assist the syndic, the professional inspection committee or one of its members, an inspector or a committee expert, whenever any such person requests information or explanations concerning any matter relating to the practice of the profession.

43. A respiratory therapist shall not abuse the good faith of another member and must not be guilty of breach of trust or disloyal practices in respect of another member. In particular, a respiratory therapist shall not take credit for work done by another member.

44. A respiratory therapist shall give his opinion and recommendations within a reasonable time when consulted by a member of the Order.

45. A respiratory therapist shall, insofar as he is able, contribute to the development of his profession by sharing his knowledge and experience with colleagues and students and by taking part in the courses and refresher training periods of the Order.

DIVISION IV **CONDITIONS, RESTRICTIONS, AND** **OBLIGATIONS IN RESPECT OF ADVERTISING**

46. In all advertising, a respiratory therapist shall indicate his name and his title of respiratory therapist.

47. A respiratory therapist may mention in his advertising any information liable to help the public make a wise choice and to favour access to useful or necessary services.

48. A respiratory therapist shall avoid all advertising liable to discredit the image of the profession or give it the appearance of profit-seeking or commercialism.

49. No respiratory therapist shall, either directly or indirectly, advertise in such a way as to denigrate or discredit another professional, or disparage a service or product provided by him.

50. No respiratory therapist shall engage in, or allow the use of, by any means whatever, advertising that is false, misleading, incomplete, or liable to mislead, or that plays on the emotions of the public.

51. No respiratory therapist shall advertise or allow advertising in such a way as to possibly unduly influence persons who may be physically or emotionally vulnerable because of their age, their state of health, or the occurrence of a specific event.

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

53. A respiratory therapist who advertises fees or prices shall do so in a manner that can be understood by members of the public who have no special knowledge of respiratory therapy and he shall

(1) set fixed fees or prices;

(2) specify the nature and scope of the services included in the fees or prices;

(3) indicate whether additional services or products may be required that are not included in the fees or prices;

(4) indicate whether or not expenses or other disbursements are included in the fees or prices.

The fees or prices must remain in effect for a period of at least 90 days following the date of the last broadcast or publication of the advertisement. However, a lower price may always be agreed upon with a client.

54. When advertising a discount on fees or prices, a respiratory therapist shall state the regular prices and the validity period of such fees or prices, as the case may be. This period may be shorter than 90 days.

55. A respiratory therapist shall keep a complete copy of every advertisement in its original form for a period of five years following the date of its last broadcast or publication. This copy must be submitted to the secretary or the syndic of the Order upon request.

56. A respiratory therapist practising in partnership is solidarily liable with the other professionals for ensuring observance of the rules respecting advertising, unless he can establish that the advertising was done without his knowledge or consent and in spite of measures taken to ensure observance of these rules.

DIVISION V

USE OF THE GRAPHIC SYMBOL OF THE ORDER

57. Where a respiratory therapist reproduces the graphic symbol of the Order for advertising purposes, he shall ensure that the symbol conforms to the original held by the secretary of the Order.

58. Where a respiratory therapist uses the graphic symbol of the Order for advertising purposes, he shall include the following warning in the advertisement, except on business cards:

“This advertisement does not originate from the Ordre professionnel des inhalothérapeutes du Québec and engages the liability of its author only.”

59. Where a respiratory therapist uses the graphic symbol of the Order for advertising purposes, including on business cards, he shall not juxtapose or otherwise use the name of the Order, except to indicate that he is a member.

60. This Regulation replaces the Code of ethics of respiratory therapists of Québec, approved by Order in Council 556-88 dated April 20, 1988.

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

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