

Gouvernement du Québec

O.C. 686-97, 21 May 1997

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

**Dental hygienists
— Code of ethics**

Code of ethics of members of the Ordre des hygiénistes dentaires du Québec

WHEREAS under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Ordre des hygiénistes dentaires 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 obligations with integrity;

WHEREAS under section 87 of the Code, the Bureau made the Code of ethics of dental hygienists (R.R.Q., 1981, c. C-26, r. 100) and the Regulation respecting advertising by dental hygienists (R.R.Q., 1981, c. C-26, r. 107);

WHEREAS it is expedient to replace those Regulations;

WHEREAS under that section of the Code, the Bureau made the Code of ethics of members of the Ordre des hygiénistes dentaires du Québec;

WHEREAS in accordance with section 95 of the Code, a draft of the Regulation was sent to every member of the professional order at least thirty 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), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 6 September 1995 with a notice that it could be submitted to the Government for approval upon the expiry of a 45-day period following that publication;

WHEREAS in accordance with section 95 of the Code, the Office des professions has 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 members of the Ordre des hygiénistes dentaires du Québec, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

**Code of ethics of members of the Ordre
des hygiénistes dentaires du Québec**

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

**DIVISION I
DUTIES AND OBLIGATIONS TOWARDS
THE PUBLIC**

1. A dental hygienist shall support every measure likely to improve the quality and availability of professional services in the field in which he practises, unless he has sound reasons to the contrary.

He shall keep himself up to date on developments and maintain his competence in that field.

2. In the practice of his profession, a dental hygienist shall bear in mind all the foreseeable consequences that his practice, research and work may have on society.

3. A dental hygienist shall promote education and information measures in the field in which he practises. In the practice of his profession, he shall also, unless he has sound reasons to the contrary, take the necessary steps to ensure that such education and information are provided.

**DIVISION II
DUTIES AND OBLIGATIONS TOWARDS CLIENTS**

§1. General provisions

4. Before accepting an assignment, a dental hygienist shall bear in mind the limitations on his skills, his knowledge and the means at his disposal. He shall not, in particular, undertake work for which he is not sufficiently prepared without obtaining the necessary assistance.

5. A dental hygienist shall at all times acknowledge his client's right to consult a colleague or a member of another professional order.

6. A dental hygienist shall refrain from practising in conditions likely to compromise the quality of his services.

7. A dental hygienist shall seek to establish a relationship of mutual trust between himself and his client. To that end, the dental hygienist shall, in particular,

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

(2) conduct his interviews in such a way as to respect his client's personal values and convictions, where the latter informs him thereof.

8. A dental hygienist shall refrain from intervening in the personal affairs of his client with regard to matters not within the competence generally acknowledged as belonging to the profession, so as not to unduly restrict his client's autonomy.

9. A dental hygienist shall refrain from performing acts contrary to current standards or knowledge in the field.

§2. Integrity

10. A dental hygienist shall fulfil his professional obligations with integrity.

11. A dental hygienist shall avoid any false representations as to his level of competence or the effectiveness of his own services or of those generally offered by members of his profession. If the good of the client so requires and with his authorization, he shall consult a colleague or a member of another professional order or refer the client to one of those persons.

12. A dental hygienist shall refrain from expressing an opinion or giving advice that is contradictory or incomplete. To that end, he shall endeavour to have full knowledge of the facts before expressing an opinion or giving advice.

13. A dental hygienist shall take reasonable care of any property entrusted to him by a client, and he may not lend it or use it for purposes other than those for which it was entrusted to him.

§3. Availability and diligence

14. A dental hygienist shall show a reasonable degree of availability and diligence in the practice of his profession.

15. In addition to opinions and advice, a dental hygienist shall provide his client with any explanation necessary for understanding and evaluating the services rendered to him.

16. A dental hygienist shall account for his services to his client when so requested by the latter.

17. A dental hygienist shall be objective and impartial when persons other than his clients ask him for information.

18. A dental hygienist may not cease to act for the account of a client, unless he has fair and reasonable grounds to the contrary. Fair and reasonable grounds include the following, in particular:

(1) loss of the client's confidence; or

(2) lack of cooperation on the part of the client.

19. Before ceasing to act for the account of a client, a dental hygienist shall ensure that such action will not be detrimental to his client.

§4. Responsibility

20. A dental hygienist shall, in the practice of his profession, fully commit his personal civil liability. It is thus prohibited for him to include in any contract for professional services a clause excluding such liability directly or indirectly, in whole or in part.

§5. Independence and impartiality

21. In the practice of his profession, a dental hygienist shall subordinate his personal interest to that of his client.

22. A dental hygienist shall ignore any intervention by a third party which could influence the performance of his professional duties to the detriment of his client.

23. A dental hygienist shall at all times safeguard his professional independence and avoid any situation which might place him in a conflict of interest.

24. A dental hygienist is in a conflict of interest in the following cases, in particular:

(1) the interests in question are such that he might tend to favour certain of them over those of his client or that his judgment and loyalty towards the latter might be unfavourably affected;

(2) he derives a direct or indirect, real or potential, personal benefit, in his capacity as advisor for a given act;

(3) he shares his fees with another person and such sharing does not correspond to the apportionment of services provided and responsibilities imparted; or

(4) except for the remuneration to which he is entitled, he pays or offers or undertakes to pay any benefit, rebate or commission in connection with the practice of his profession.

25. As soon as he ascertains that he is in a situation of conflict of interest, a dental hygienist shall notify his client accordingly and request his authorization to continue the assignment.

26. A dental hygienist shall avoid performing unnecessary or superfluous professional acts in the practice of his profession and shall refrain from performing any service that is inappropriate or disproportionate to the needs of his client.

§6. Professional secrecy

27. A dental hygienist is bound by professional secrecy.

28. A dental hygienist may only be released from professional secrecy by the written authorization of his client or where so ordered by law.

29. Where a dental hygienist asks a client to give him confidential information or where he allows such information to be given to him, he shall ensure that the client is fully aware of the purpose of the interview and of the various uses which could be made of such information.

30. A dental hygienist shall not disclose that a person has had recourse to his services, unless the nature of the case so requires.

31. A dental hygienist shall avoid indiscreet conversations concerning a client and the services provided to him.

32. A dental hygienist shall not make use of confidential information to the detriment of a client or with a view to obtaining a direct or indirect benefit for himself or for another person.

§7. Accessibility of records and corrections

33. A dental hygienist shall respect the right of his client to examine documents concerning him in any record established in his respect, and to obtain a copy of such documents. However, a dental hygienist may refuse access to such information where its disclosure would be likely to cause serious harm to the client or to a third person.

34. A dental hygienist shall respect the right of his client to cause to be corrected, in a document concerning him in any record established in his respect, any information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected. He shall also respect the right of his client to cause to be deleted any information that is outdated or not justified by the purpose of the record, or to prepare written comments and file them in the record.

35. A dental hygienist holding the record that is the subject of an application for access or correction by the client shall follow up on such application with diligence, within 20 days of the date of the application.

36. Access to information in a record shall be free of charge. However, a fee not exceeding the cost for transcribing, reproducing or forwarding the information may be charged to the client. A dental hygienist who intends to charge a fee under this section shall inform the client of the approximate amount exigible before proceeding to the transcription, reproduction or forwarding.

37. A dental hygienist who refuses to grant a client's application for access or correction shall notify him of such refusal in writing, with reasons, and shall inform him of his recourses.

38. A dental hygienist who grants an application for correction shall issue to the client making such application, free of charge, a copy of any altered or added information or, as the case may be, an attestation that the information was withdrawn.

That client may require that the dental hygienist forward a copy of that information or, as the case may be, of that attestation to the person who gave the information to the dental hygienist or to any person to whom the information was provided.

39. A dental hygienist who holds information that is the subject of an application for access or correction shall, if he does not grant the application, keep it as long as required for the client to exhaust the recourses provided for by law.

§8. Determination and payment of fees

40. A dental hygienist shall charge and accept fair and reasonable fees that are justified by the circumstances and are in proportion to the services rendered.

In determining his fees, a dental hygienist shall, in particular, bear in mind the following factors:

(1) the time spent in performing the professional service; and

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

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

41. A dental hygienist shall provide his client with all the explanations necessary for understanding his statement of fees and terms of payment.

42. A dental hygienist shall refrain from requiring advance payment for his services; he shall, however, inform his client of the foreseeable approximate cost of his services.

43. For a given service, a dental hygienist shall accept fees from one source only, unless there is an explicit agreement to the contrary among all interested parties. He shall accept payment of those fees only from his client or his representative.

44. A dental hygienist may collect interest on outstanding accounts only after having duly notified his client to that effect. Interest charged shall be at a reasonable rate.

45. Before having recourse to legal proceedings, a dental hygienist shall exhaust all other means at his disposal to obtain payment of his fees.

46. A dental hygienist shall refrain from selling his accounts to anyone other than a colleague.

47. Where a dental hygienist appoints another person to collect his fees, he shall, insofar as possible, ensure that the latter will act with tact and moderation.

DIVISION III **DUTIES AND OBLIGATIONS TOWARDS** **THE PROFESSION**

§1. Derogatory acts

48. In addition to those mentioned in sections 57, 58, 59.1 and 59.2 of the Professional Code, the following acts are derogatory to the honour or dignity of the profession:

(1) urging a person in an insistent or repetitive manner to use his professional services;

(2) communicating with the complainant without the prior written permission of the syndic or his assistant, when the member is informed that an inquiry into his professional conduct or competence is being made or when a complaint has been served on him;

(3) failing to notify the Order that there is reason to believe that another dental hygienist is incompetent or has violated the professional code of ethics;

(4) requiring, accepting or offering any benefit by using his professional title to advertise a commercial product for the purpose of promoting its sale;

(5) consulting, collaborating or coming to an agreement with a person who he suspects does not have the appropriate scientific knowledge required to treat the client;

(6) voluntarily and without sufficient reason abandoning a client requiring supervision while he is in the course of treatment;

(7) refusing, without good reason, to provide care;

(8) claiming fees for professional acts which have not been performed or are falsely described;

(9) issuing a receipt or other document falsely showing that services have been rendered;

(10) billing a client for all or part of a professional service when its cost is assumed by a third party;

(11) entering false information in the record of a client or adding notes under the signature of another person;

(12) altering notes previously entered in the record of a client or replacing any part thereof with intent to falsify them;

(13) failing to display his name in his place of work, followed by the title "Dental Hygienist" or, if that is not feasible, failing to wear a name tag showing his name followed by the title "Dental Hygienist";

(14) failing to report to the Order any person who uses the title of dental hygienist without being entered on the roll of the Order or any candidate who does not meet the conditions for admission to the Order; or

(15) practising his profession while under the influence of alcohol, drugs, hallucinogens, narcotic or anaesthetic preparations, or any other substance which may cause intoxication, impaired or disturbed faculties, or unconsciousness.

§2. Relationship with the Order and colleagues

49. A dental hygienist who is requested by the Order to become a member of a council for the arbitration of

accounts, a disciplinary committee or a professional inspection committee shall agree to serve, unless there are exceptional circumstances.

50. A dental hygienist shall answer promptly all correspondence received from the syndic, an assistant syndic, inspectors, investigators or members of the professional inspection committee of the Order.

51. A dental hygienist shall not abuse a colleague's good faith or commit a breach of trust or use unfair practices in dealing with him. He shall not, in particular, take credit for work done by a colleague.

52. A dental hygienist who is consulted by a colleague shall give the latter his opinion and recommendations as promptly as possible.

53. A dental hygienist who is called upon to collaborate with a colleague shall safeguard his professional independence. If he is asked to perform a task that is against his conscience or principles, he may ask to be exempted therefrom.

§3. Contribution to the advancement of the profession

54. A dental hygienist shall, insofar as he is able, contribute to the development of his profession, particularly by sharing his knowledge and experience with his colleagues and students and by taking part in the courses and continuing education activities of the Order.

DIVISION IV RESTRICTIONS AND OBLIGATIONS WITH REGARD TO ADVERTISING

55. A dental hygienist shall not, by any means whatsoever, engage in or allow the use of advertising that is false, misleading, incomplete, likely to mislead or intended to exploit or abuse persons who might be physically or emotionally vulnerable.

56. A dental hygienist shall not claim specific qualities or skills, in particular with regard to his level of competence or the scope or effectiveness of his services, unless he is able to justify such a claim upon request, in accordance with the laws and regulations applicable to the profession.

57. In his advertising, a dental hygienist may not use or allow the use of any endorsement or testimonial concerning him, except prizes for excellence and other awards connected with a contribution or achievement which has brought honour to the profession.

58. A dental hygienist may not use advertising methods likely to denigrate or devalue the competence, knowledge or services of a colleague or of another professional.

59. Any advertisement shall indicate the name and title of the professional.

60. Where a dental hygienist states his professional fees in an advertisement, he shall do so in a manner that is understandable to persons having no special knowledge of dentistry, and he shall

(1) set fixed prices;

(2) specify the nature and extent of the services included in the prices;

(3) indicate whether the expenses and other charges are included in the prices; and

(4) indicate whether additional services might be required, for which an additional amount might be charged.

Any such price shall remain in effect for a minimum period of 90 days after it is last broadcast or published. However, a dental hygienist may agree with a client on a price lower than the price broadcast or published.

61. In a declaration or advertisement, a dental hygienist may not, by any means whatsoever, emphasize a special price or discount more than the service offered.

62. A dental hygienist shall keep a complete copy of any advertisement in its original form, for the period extending from the last authorized broadcast or publication of such advertisement to the next regular visit of the professional inspection committee of the Order. Such copy shall be given to the syndic or assistant syndic upon request.

DIVISION V GRAPHIC SYMBOL OF THE ORDER

63. The Order is represented by a graphic symbol matching the original held by the secretary of the Order, and described as follows:

(1) a solid circle, symbolizing the rotation of the handpiece;

(2) solid upper and lower contours, representing a stylized periodontal probe;

(3) an outline around the circle, with a horizontal line separating the upper and lower contours, representing a dental mirror; and

(4) all of those elements together forming a stylized “H”.

A dental hygienist who reproduces that symbol in his advertising shall ensure that it matches the original.

64. Where a dental hygienist uses the graphic symbol of the Order in an advertisement carried by electronic media, he shall add the following notice to the advertisement:

“This advertisement does not originate from and does not commit the liability of the Ordre des hygiénistes dentaires du Québec.”.

65. This Regulation replaces the Code of ethics of dental hygienists (R.R.Q., 1981, c. C-26, r. 100).

66. Division IV of this Regulation replaces the Regulation respecting advertising by dental hygienists (R.R.Q., 1981, c. C-26, r. 107).

67. 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. 687-94, 21 May 1997

An Act respecting the civil aspects of international and interprovincial child abduction (R.S.Q, c. A-23.01)

Application of the Act

Application of the Act respecting the civil aspects of international and interprovincial child abduction to the Republic of Colombia and to the Republic of Iceland

WHEREAS under section 41 of the Act respecting the civil aspects of international and interprovincial child abduction (R.S.Q., c. A-23.01), the Government, upon the recommendation of the Minister of Justice and, as the case may be, of the Minister responsible for Canadian Intergovernmental Affairs or the Minister of International Relations, shall designate by order published in the *Gazette officielle du Québec* any State, province or territory in which it considers that Québec residents may benefit from measures similar to those set out in that Act;

WHEREAS under that same section, the order shall indicate the date of the taking of effect of the Act for each State, province or territory designated in it;

WHEREAS the Republic of Colombia and the Republic of Iceland have acceded to the Convention on the Civil Aspects of International Child Abduction and the Convention came into force for those States on 1 March and 1 November 1996 respectively;

WHEREAS pursuant to section 38 of the Convention, the accession of a State has effect only as regards the relations between the acceding State and such contracting States as have declared their acceptance of the accession;

WHEREAS from the coming into force of the Convention between those States and Québec, the Government considers that Québec residents may benefit in each of them from measures similar to those set out in the Act respecting civil aspects of international and interprovincial child abduction;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Justice and of the Minister of International Relations:

THAT the Gouvernement du Québec accept the accession of the Republic of Colombia and the Republic of Iceland to the Convention on the Civil Aspects of International Child Abduction;

THAT the Republic of Colombia and the Republic of Iceland be designated as States in which the Act respecting the civil aspects of international and interprovincial child abduction applies;

THAT the Act take effect, in respect of those States, on a later date to be fixed by the Government.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

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