

Draft Regulation

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

Radiology Technologists — 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 des technologues en radiologie du Québec made the “Code of Ethics of Radiology Technologists”.

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 des technologues en radiologie du Québec, this Regulation replaces the Code of Ethics of Radiology Technologists (R.R.Q., 1981, c. T-5, r. 4) and the Regulation respecting advertising by radiology technologists (R.R.Q., 1981, c. T-5, r. 9).

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 radiology technologists and to apply new knowledge related to their field of practice. The Regulation also provides for certain conditions, obligations and prohibitions regarding the advertising done by a radiology technologist 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.

For citizens, this Regulation will contribute toward improving the quality of services provided by radiology technologists. Otherwise, there is no impact on businesses.

Additional information may be obtained by contacting Mr Alain Crompt, Chairman and Secretary of the Ordre des technologues en radiologie du Québec, 7400, boulevard Les Galeries d'Anjou, bureau 420, Anjou (Québec), H1M 3M2, telephone no: (514) 351-0052 or 1-800-361-8759; fax no: (514) 355-2396.

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 radiology technologists

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

CHAPTER I DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

1. A radiology technologist shall promote improvement in the quality and availability of professional services in the field in which he practises. To that end, he shall take measures to update his knowledge and shall apply new knowledge related to his field of practice.

2. In the practice of his profession, a radiology technologist shall bear in mind all the consequences which his research, work and actions may have on public health.

3. A radiology technologist shall promote measures of education and information in the field in which he practises and, insofar as possible, shall take the necessary actions to ensure that such education and information are provided.

CHAPTER II DUTIES AND OBLIGATIONS TOWARDS USERS

DIVISION I GENERAL

4. A radiology technologist shall practise his profession in accordance with the professional standards generally recognized by all the members of the Ordre des technologues en radiologie du Québec and in accordance with the current state of knowledge in the science.

5. In the practice of his profession, a radiology technologist shall bear in mind the limits on his capabilities, his knowledge and the means at his disposal.

6. A radiology technologist shall at all times recognize the user's right to consult another member of the Order, a member of another professional order or any other competent person.

7. A radiology technologist shall seek to establish a relationship of confidence with the user and shall refrain from exercising his profession in an impersonal manner.

8. A radiology technologist shall refrain from practising his profession in a state or in conditions liable to compromise the quality of his services or the dignity of the profession.

9. A radiology technologist shall refrain from intervening in the user's personal affairs in matters not pertaining to his professional competence, so as not to unduly restrict the user's autonomy.

DIVISION II INTEGRITY

10. A radiology technologist shall carry out his professional duties with integrity.

11. A radiology technologist shall avoid any false representation with respect to his level of competence or the efficacy of his services or those generally provided by the members of the Order. If the good of the user so requires, he shall refer the user to a member of another professional order or another competent person.

12. A radiology technologist shall seek to obtain full knowledge of the facts where a user or another professional asks his advice or opinion in the practice of his profession.

DIVISION III AVAILABILITY AND DILIGENCE

13. A radiology technologist shall demonstrate reasonable availability and diligence in the practice of his profession. If he is unable to respond to a request within a reasonable time, he shall indicate to the user when he will be available.

14. A radiology technologist shall provide the user with the explanations necessary to understand and evaluate the services he renders to him.

15. A radiology technologist shall demonstrate objectivity and impartiality when persons other than users ask him for information.

16. Before ceasing to carry out his duties on behalf of a user, a radiology technologist shall ensure that cessation of service is not prejudicial to the user.

DIVISION IV LIABILITY

17. A radiology technologist shall, in the practice of his profession, fully commit his civil liability. He is thus prohibited from inserting in a contract for professional services a clause that directly or indirectly excludes such liability in whole or in part.

DIVISION V INDEPENDENCE AND IMPARTIALITY

18. In the exercise of his profession, a radiology technologist shall subordinate his personal interest to that of the user.

19. A radiology technologist shall ignore any intervention by a third party which could affect the performance of his professional duties to the detriment of the user.

20. A radiology technologist shall at all times safeguard his professional independence and shall avoid any situation where he might be in a conflict of interest.

21. A radiology technologist shall refrain from sharing his fees with or remitting them to a person who is not a member of the Order. He may share his fees with a member of the Order only to the extent that such sharing corresponds to an apportionment of the services and responsibilities.

22. Except for the remuneration to which he is entitled, a radiology technologist shall refrain from accepting any gratuity, discount or commission relating to the practice of his profession. He shall likewise refrain from paying or offering or undertaking to pay any such gratuity, discount or commission.

DIVISION VI CONFIDENTIALITY

23. A radiology technologist is bound to maintain confidentiality.

24. A radiology technologist may be released from the obligation to maintain confidentiality only with the authorization of the user or where so ordered by law.

25. Where a radiology technologist asks a user to reveal to him confidential information or allows such information to be entrusted to him, he shall ensure that the user knows the reasons for it and the use that will be made of the information.

26. A radiology technologist shall not reveal that a person has used his services, unless the nature of the case so requires.

27. A radiology technologist shall avoid indiscreet conversations concerning a user and the services rendered to him.

28. A radiology technologist shall not make use of confidential information to the detriment of a user or with a view to obtaining, either directly or indirectly, an advantage for himself or another person.

DIVISION VII ACCESSIBILITY AND CORRECTIONS TO RECORDS

29. A radiology technologist shall allow the user to examine and to obtain a copy of documents concerning him in any record that he has compiled in respect of the user. Notwithstanding the foregoing, the radiology technologist may refuse access to the information contained therein where disclosing it would in all likelihood entail a serious prejudice for the user or a third person.

Where the services of a radiology technologist are required by a prescription issued by a member of another professional order, the radiology technologist may not allow the user in question to examine or to obtain a copy of the documents in the record compiled in his respect without the authorization of the professional who thus required his services. A refusal by that other professional to allow access frees the radiology technologist from his obligations concerning accessibility to the record.

30. Subject to the authorization of the professional, if any, who required his services, a radiology technologist shall allow the user to have corrected, in a document concerning him that is included in any record made in his respect, information which is inaccurate, incomplete or ambiguous in terms of the purposes for which it was gathered. He shall also allow the user to have deleted any information which is out-of-date or unwarranted in terms of the reason for which the record was compiled or to draft comments in writing and add them to the record.

A refusal by the professional who required his services to allow the correction frees the radiology technologist from his obligations concerning corrections to the record.

31. Access to the information contained in a record shall be free of charge. Notwithstanding the foregoing, fees not exceeding the cost of transcribing, reproducing or forwarding the information may be charged to the

applicant. Where a radiology technologist intends to charge fees under this section, he shall inform the applicant of the approximate amount exigible before transcribing, reproducing or forwarding the information.

32. Where a radiology technologist grants an application for correction, he shall issue to the applicant, free of charge, a copy of any information amended or added or, where applicable, an attestation that information has been deleted.

The applicant may require the radiology technologist to forward a copy of the information or, where applicable, the attestation to the person from whom he obtained the information or to any other person to whom the information has been communicated.

33. Where a radiology technologist holds information in respect of which an application for access or correction has been made, he shall, if he refuses to grant the application, conserve the information for as long as necessary to allow the applicant to exhaust the recourses provided for by law.

DIVISION VIII DETERMINATION AND PAYMENT OF FEES

34. A radiology technologist shall charge and accept fair and reasonable fees.

35. Fees are fair and reasonable if they are warranted by the circumstances and are in proportion to the services rendered. A radiology technologist shall bear in mind the following factors in particular in determining his fees:

- (1) his experience;
- (2) the time devoted to performing the professional services;
- (3) the difficulty and scope of the services; and
- (4) whether he was called on to perform unusual services or services requiring exceptional competence or speed.

36. A radiology technologist shall provide the user with all the explanations necessary to understand his statement of fees and the terms of payment.

37. A radiology technologist shall inform the user of the approximate cost of his services.

38. A radiology technologist shall abstain from requiring advance payment of his professional fees. However, he may, by an agreement in writing with the user,

require an advance to cover payment of expenditures necessary to perform the professional services required.

39. A radiology technologist may collect interest on outstanding accounts only after having duly notified the user to that effect. Interest so charged shall be at a reasonable rate.

40. Before resorting to legal proceedings, a radiology technologist shall exhaust all other means at his disposal to obtain payment of his fees.

41. Where a radiology technologist appoints another person to collect his fees, he shall ensure that the person acts with tact and moderation.

CHAPTER III DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

DIVISION I DEROGATORY ACTS

42. The following acts, in addition to those referred to 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 where performed by a radiology technologist:

(1) practising his profession in a state of intoxication or in any other physical or mental state liable to compromise the quality of his services;

(2) falsifying an examination or treatment in any way whatsoever;

(3) tolerating or contributing to the illegal practice of the profession, in particular by collaborating with any person practising the profession without holding a permit for that purpose;

(4) failing to inform the Order as rapidly as possible of any person illegally practising the profession of radiology technologist;

(5) communicating with the complainant without prior permission in writing from the syndic or his assistant, where he is informed of an investigation into his professional conduct or competence or where he has received notice of a complaint against him; or

(6) requiring, offering, promising, accepting or agreeing to accept a sum of money or any advantage for the purpose of aiding in causing a procedure or decision of the Order to be adopted or rejected.

43. A radiology technologist shall report to the Order any derogatory act of which he is aware.

DIVISION II RELATIONS WITH THE ORDER, COLLEAGUES AND OTHER PROFESSIONALS

44. Where a radiology technologist is requested by the Order to serve on a council for the arbitration of accounts, a committee on discipline or a professional inspection committee, he shall accept that duty unless he has reasonable grounds for refusing.

45. A radiology technologist shall reply promptly to all correspondence sent by the secretary of the Order, the syndic, the assistant syndic or an investigator or a member of the professional inspection committee. In his dealings with them, he shall not be guilty of a breach of trust or unfair practices.

46. A radiology technologist shall not abuse the good faith of a member of the Order or be guilty of a breach of trust or unfair practices in his dealings with him. He shall not, in particular, take credit for work performed by another person.

47. Where a radiology technologist is consulted by a member of the Order or another professional, he shall provide his opinion and recommendations within a reasonable time.

48. Where a radiology technologist is called on to collaborate with a member of the Order or another professional, he shall preserve his professional autonomy. He is not bound to perform any task contrary to his professional conscience or the principles governing the practice of the profession.

DIVISION III CONTRIBUTION TO THE ADVANCEMENT OF THE PROFESSION

49. A radiology technologist shall contribute, insofar as possible, to the development of the profession, in particular by promoting the exchange of knowledge and experience with his colleagues and with students and by participating in the Order's continuing training courses and activities.

CHAPTER IV CONDITIONS, OBLIGATIONS AND RESTRICTIONS RESPECTING ADVERTISING

50. A radiology technologist may not, by any means whatsoever, engage in or allow the use of advertising that is false, deceptive, incomplete or liable to be misleading.

51. A radiology technologist may not claim to possess specific qualities or skills, in particular with regard to his level of competence or the scope or efficacy of his services, unless he can substantiate such claim.

52. A radiology technologist may not engage in advertising that denigrates or discredits another person, either directly or indirectly.

53. All advertising shall indicate the name and professional title of the radiology technologist.

54. A radiology technologist may not, in any way whatsoever, engage in or allow the use of advertising intended to exploit or abuse persons who may be physically or emotionally vulnerable.

55. A radiology technologist shall keep a complete copy of every advertisement in its original form for a period of two years following the date of its last broadcast or publication. That copy shall be given to the syndic upon request.

56. The Order is represented by a graphic symbol. Where a radiology technologist uses the symbol in his advertising, he shall ensure that it is a true copy of the original held by the secretary of the Order.

57. Where a radiology technologist uses the logo of the Order in an advertisement, except on a business card, he shall include the following notice in that advertisement:

“This advertisement is not an advertisement of the Ordre des technologues en radiologie du Québec and does not commit its liability.”.

58. This Regulation replaces the Code of ethics of radiology technologists (R.R.Q., 1981, c. T-5, r. 4) and the Regulation respecting advertising by radiology technologists (R.R.Q., 1981, c. T-5, r. 9).

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