

Draft Regulation

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

Medical technologists

— Code of ethics

— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Ordre professionnel des technologistes médicaux du Québec made the Code of ethics of the members of the Ordre professionnel des technologistes médicaux du Québec, the text of which appears below. In accordance with section 95.3 of the Professional Code (R.S.Q., c. C-26), a Draft of the Regulation was sent to all the members of the Order at least 30 days before its adoption by the Bureau of the Order.

Under section 95 of the Professional Code, the Regulation will be subject to an examination by the Office des professions du Québec and then will be submitted, with its recommendation, to the Government which may approve it with or without amendment, upon the expiry of 45 days following this publication.

The purpose of the Regulation in replacing the Code of ethics of medical technologists (R.R.Q., 1981, c. C-26, r. 169) presently in force, is to impose on the members of the Ordre professionnel des technologistes médicaux du Québec, general and special duties towards the public, their clients and the profession. It includes obligations respecting advertising by members of the order. The Regulation has a direct impact on members of the Order since they will have to comply with certain rules which, under section 87 of the Professional Code, must be included in the Code of ethics of the members of the Order.

Further information concerning the Regulation may be obtained by contacting Mr. Alain Collette, C. Adm., Secretary and Director General of the Ordre professionnel des technologistes médicaux du Québec at: 1150, boulevard Saint-Joseph Est, bureau 300, Montréal (Québec), H2J 1L5; tel.: 1 800 567-7763 or (514) 527-9811; fax: (514) 527-7314.

Any person having comments to make concerning the Regulation is asked to send them in writing before the expiry of the 45-day period mentioned above 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 respecting the professions. They may also be sent to the

professional order that made the Regulation, the Ordre professionnel des technologistes médicaux du Québec, and to interested persons, departments and bodies.

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

Code of ethics of the members of the Ordre professionnel des technologistes médicaux du Québec

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

DIVISION I DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

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

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

3. A medical technologist shall promote measures of education and information in the field in which he practises. Unless he has sound reasons to the contrary, he shall also, in the practice of his profession, do what is required to ensure such education and information.

4. A medical technologist shall practise his profession in accordance with the generally recognized standards of practice and, to that end, he shall keep up-to-date and improve his knowledge.

DIVISION II DUTIES AND OBLIGATIONS TOWARDS CLIENTS

§1. General

5. Before accepting a mandate, a medical technologist shall take into account the limitations of his knowledge and the means at his disposal.

6. A medical technologist shall at all times recognize his client's right to consult a colleague, a member of another professional order or any other competent person.

7. A medical technologist shall refrain from practising in conditions or in a state liable to compromise the quality of his services.

8. A medical technologist shall respect the life of a client. Thus, he may not refuse to provide his services where a client's life is in danger.

9. A medical technologist shall not act alone in making examinations liable to perturb a client's condition in such a way that the assistance of another person might be required to remedy the situation.

§2. *Integrity*

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

11. A medical technologist shall avoid any false representation with respect to his level of competence or the effectiveness of his services or those generally provided by the members of the profession. If the good of a client so requires, he shall consult a colleague, a member of another professional order or another competent person, or shall refer the client to one of those persons.

12. A medical technologist shall refrain from conveying erroneous or incomplete results. Before conveying results, he shall ensure that the quality controls generally recognized as necessary have been carried out. Where a medical technologist must submit preliminary or incomplete reports or where he doubts the reliability of certain items therein, he shall so notify the professional who signed the prescription.

§3. *Availability and diligence*

13. A medical technologist shall demonstrate reasonable availability and diligence in the practice of his profession.

14. In addition to his opinion and advice, a medical technologist shall provide his client with the explanations necessary to understanding and appreciating the services rendered.

§4. *Liability*

15. A medical technologist shall, in the practice of his profession, commit his full personal 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.

§5. *Independence and impartiality*

16. A medical technologist shall subordinate his personal interest to the interest of his client.

17. A medical technologist shall ignore any intervention by a third party which could affect the performance of his professional duties to the detriment of his client.

18. A medical technologist may share his fees with a colleague only to the extent that such sharing corresponds to an apportionment of the services and responsibilities.

19. Except for the remuneration to which he is entitled, a medical technologist shall refrain from receiving, paying or agreeing to pay any benefit, discount or commission relating to the practice of his profession.

§6. *Professional secrecy*

20. A medical technologist shall respect the secrecy of all confidential information obtained in the practice of his profession.

21. A medical technologist may be released from professional secrecy only with the authorization of his client or where so ordered by law.

22. A medical technologist shall avoid indiscreet conversations concerning a client or the services rendered to a client.

23. A medical technologist 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 another person.

§7. *Accessibility of records*

24. A medical technologist shall respect the right of his client to examine documents that concern him in the record made in his regard and to obtain a copy of such documents. Where a copy is obtained, a reasonable fee may be charged.

Notwithstanding the foregoing, a medical technologist may refuse access to such information where its disclosure would in all likelihood be detrimental to his client or to a third party. Where applicable, he shall refer his client to the professional who signed the prescription.

25. A medical technologist shall respect the right of his client to have corrections made to information in a document that concerns him and is kept in any record made in his regard, where that information is inaccurate, incomplete or ambiguous in respect of the purposes for which it was gathered.

A medical technologist shall also respect the right of his client to have information deleted that is out-of-date or unwarranted in respect of the purpose of the record, or to make comments in writing and include them in the record.

§8. Determination and payment of fees

26. A medical technologist shall charge and accept fair and reasonable fees.

27. Fees are fair and reasonable if they are warranted by the circumstances and are in proportion to the services rendered. In determining his fees, a medical technologist shall take the following factors into account in particular:

(a) the time required for the performance of the professional service;

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

(c) the need to perform unusual services or services requiring exceptional competence or speed.

DIVISION III

DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

§1. Derogatory acts

28. The following acts, in addition to those referred to in sections 57, 58, 59.1, 59.2 and 59.3 of the Professional Code (R.S.Q., c. C-26), are derogatory to the dignity of the profession:

(a) practising the profession of medical technologist while under the influence of alcoholic beverages, drugs, hallucinogens, narcotics, anaesthetics or any other substance causing intoxication, reduced or disturbed faculties or unconsciousness;

(b) submitting a false analysis or examination report;

(c) acting as an agent in the sale of any laboratory equipment or material to his employer; and

(d) designating one of his employees or partners as a medical technologist, where the person is not a member

of the Ordre des technologistes médicaux du Québec, or allowing such person to be so designated.

§2. Relations with the Order and colleagues

29. A medical technologist whom the Order requests to participate on a council for the arbitration of accounts, a committee on discipline, a case review committee or a professional inspection committee shall accept that duty unless he has exceptional reasons for refusing it.

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

31. A medical technologist shall not abuse the good faith of a colleague or be guilty of a breach of trust or unfair practices towards him. He shall not, in particular, take credit for work performed by a colleague.

32. A medical technologist consulted by a colleague shall provide the latter with his opinion and recommendations as promptly as possible.

33. A medical technologist shall, in his work environment, cooperate with his colleagues and the members of other professions and shall endeavour to maintain harmonious relations.

§3. Contribution to the advancement of the profession

34. A medical technologist shall, insofar as possible, contribute to the development of the profession by exchanging knowledge and experience with his colleagues and students and by participating in courses and continuing training periods.

DIVISION IV

RESTRICTIONS AND OBLIGATIONS RESPECTING ADVERTISING

35. A medical technologist may not engage in, or allow the use of, by any means whatsoever, advertising that is false, misleading, incomplete or liable to mislead.

36. A medical technologist may not claim to possess qualities or skills, in particular with regards to the accuracy and exactness of the results he provides, unless he can substantiate such claim.

37. A medical technologist may not use advertising practices liable to denigrate or discredit another medical technologist.

38. A medical technologist who advertises a lump-sum fee shall:

- (1) establish fixed prices;
- (2) specify the nature and extent of the services included in the fee;
- (3) indicate whether additional services not included in the fee might be required; and
- (4) indicate the period during which the lump-sum fee is in effect.

Such specifications and indications shall be of such a nature as to reasonably inform persons who have no particular knowledge of medical technology.

39. A medical technologist shall keep a complete copy of every advertisement in its original form for a period of 5 years following the date on which it is last published or broadcast. The copy shall be given to the syndic upon request.

40. All the partners in a partnership of medical technologists are solidarily and jointly responsible for compliance with the rules respecting advertising, unless the advertisement clearly indicates the names of the medical technologists responsible therefor or unless they prove that the advertising was carried out without their knowledge or consent or despite the measures taken to ensure compliance with the rules.

DIVISION V **GRAPHIC SYMBOL OF THE ORDRE** **PROFESSIONNEL DES TECHNOLOGISTES** **MÉDICAUX DU QUÉBEC**

41. The Ordre professionnel des technologistes médicaux du Québec is represented by a graphic symbol that is true to the original held by the secretary general.

42. Where a medical technologist reproduces the graphic symbol of the Order, he shall ensure that the reproduction is true to the original held by the secretary general.

43. Where a medical technologist uses the graphic symbol of the Order, except on a business card, he shall include the following notice:

“This is not an advertisement of the Ordre professionnel des technologistes médicaux du Québec and it does not incur the liability of the Order.”.

44. This Regulation replaces the Code of ethics of medical technologists (R.R.Q., 1981, c. C-26, r. 169).

45. The Regulation respecting advertising by medical technologists, approved by Order in Council 658-88 dated 4 May 1988, is revoked.

46. 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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