

DIVISION XII**RELATIONS WITH THE ORDER AND THE OTHER PERSONS A MEDICAL TECHNOLOGIST HAS DEALINGS WITH IN THE PRACTICE OF HIS PROFESSION**

43. A medical technologist whom the Bureau or the administrative committee of the Order requests to be a member of the professional inspection committee, the committee on discipline, the review committee made under section 123.3 of the Professional Code or the council for the arbitration of accounts made pursuant to the provisions of the Regulation made under section 88 of the Code, shall accept that duty unless he has exceptional reasons for refusing it.

44. A medical technologist shall reply promptly to all correspondence sent by the secretary of the Order, the syndic of the Order, where expedient from the assistant syndic or an equivalent syndic, as well as a member of the professional inspection committee, an investigator or an inspector of the committee.

45. A medical technologist shall cooperate with any person he has dealings with in the practice of his profession, in particular with the other members of the Order and the members of other professional orders and shall endeavour to establish and maintain harmonious relations.

46. A medical technologist shall not, with respect to any person he has dealings with in the practice of his profession, in particular another member of the Order or a member of another professional order, breach his trust, voluntarily mislead him, betray his good faith or use unfair practices.

He shall not take credit for work performed by another person, particularly by another member of the Order.

DIVISION XIII**CONTRIBUTION TO THE DEVELOPMENT OF THE PROFESSION**

47. A medical technologist shall, insofar as possible, contribute to the development of the profession by sharing his knowledge and experience with the other members of the Order and students and by participating in activities, courses and continuing training periods organized for medical technologists.

DIVISION XIV**REPRODUCTION OF THE GRAPHIC SYMBOL OF THE ORDER**

48. A medical technologist who, for any purpose whatsoever, reproduces the graphic symbol of the Order shall ensure that the reproduction is true to the original held by the secretary of the Order.

CHAPTER III**FINAL**

49. This Regulation replaces the Code of ethics of medical technologists (R.R.Q., 1981, c. C-26, r. 169) and, in accordance with section 10 of the Act to amend the Professional Code and various Acts constituting professional corporations with respect to professional advertising and certain registers (1990, c. 76), the Regulation respecting advertising by medical technologists, approved by Order in Council 658-88 dated 4 May 1988 ceases to have effect on the date of coming into force of this Regulation.

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

2461

Gouvernement du Québec

O.C. 1015-98, 5 August 1998Professional Code
(R.S.Q., c. C-26)**Occupational therapists**— Code of ethics
— Amendments

Regulation to amend the Code of ethics of occupational therapists

WHEREAS under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order 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 the Bureau of the Ordre des ergothérapeutes du Québec made the Code of ethics of occupational therapists (R.R.Q., 1981, c. C-26, r. 78);

WHEREAS under the same section of the Professional Code, the Code of ethics must contain, *inter alia*:

(1) 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 Code, and provisions concerning a professional's obligation to release documents to his client;

(2) provisions setting out conditions, obligations and, where applicable, prohibitions in respect of advertising by the members of the Order;

WHEREAS the Bureau of the Ordre des ergothérapeutes du Québec made the Regulation to amend the Code of ethics of occupational therapists;

WHEREAS under section 95.3 of the Professional Code, the secretary of the Order has sent a draft of that Regulation to any member of the Order at least 30 days before its adoption by the Bureau;

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 24 September 1997, with a notice that, in particular, it could be submitted to the Government for approval with or without amendments, upon the expiry of 45 days following its publication;

WHEREAS in accordance with section 95 of the Professional Code, the Office des professions 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 Regulation to amend the Code of ethics of occupational therapists, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of occupational therapists(*)

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

1. The Code of ethics of occupational therapists is amended by striking out the word "professional" in paragraph *a* of section 1.01.

2. The Code is amended by substituting the following for Subdivision 7 of Division III:

"§7. Terms and conditions of the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Professional Code and obligation for an occupational therapist to give documents to his client

3.07.01 An occupational therapist may require that an application referred to in sections 3.07.02, 3.07.05 or 3.07.08 be made at his place of business, during his regular working hours.

3.07.02 In addition to the particular rules prescribed by law, an occupational therapist shall promptly follow up, at the latest within 30 days of its receipt, on any request made by his client whose purpose is:

(1) to consult documents that concern him in any record made in his regard;

(2) to obtain a copy of the documents that concern him in any record made in his regard.

3.07.03 An occupational therapist who grants an application referred to in section 3.07.02 shall give free access to documents to his client. However, an occupational therapist may request reasonable fees not exceeding the cost for reproducing or transcribing documents or the cost for forwarding a copy, in respect of an application to which paragraph 2 of section 3.07.02 applies.

An occupational therapist requesting such fees shall, before proceeding with the copying, transcribing or sending of the information, inform his client of the approximate amount he will have to pay.

3.07.04 An occupational therapist who, pursuant to the second paragraph of section 60.5 of the Professional Code, denies his client access to the information contained in a record made in his regard shall inform his

* The Code of ethics of occupational therapists (R.R.Q., 1981, c. C-26, r. 78) has not been amended since its revision.

client in writing that the disclosure would be likely to cause serious harm to his client or to a third party.

3.07.05 In addition to the particular rules prescribed by law, an occupational therapist shall promptly follow up, at the latest within 30 days of its receipt, on any request made by his client whose purpose is:

(1) to cause to be corrected any information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected, contained in a document concerning him in any record made in his regard;

(2) to cause to be deleted any information that is outdated or not justified by the object of the record made in his regard;

(3) to file in the record made in his regard the written comments that he prepared.

3.07.06 An occupational therapist who grants an application referred to in section 3.07.05 shall issue to his client, free of charge, a copy of the document or part of the document to allow his client to see for himself that the information was corrected or deleted or, as the case may be, an attestation that the written comments prepared by his client were filed in the record.

3.07.07 Upon written request from his client, an occupational therapist shall forward a copy, free of charge for his client, of corrected information or an attestation that the information was deleted or, as the case may be, that written comments were filed in the record to any person from whom the occupational therapist received the information that was subject to the correction, deletion or comments and to any person to whom the information was provided.

3.07.08 An occupational therapist must promptly follow up on any written request made by his client, whose purpose is to take back a document entrusted to him by his client.

An occupational therapist shall indicate in his client's record, where applicable, the reasons to support his client's application."

3. Section 4.01.01 is amended

(1) by substituting the following for that part preceding paragraph *a*:

"In addition to those referred to in sections 59 and 59.1 of the Professional Code and what may be determined pursuant to subparagraph 1 of the second paragraph of section 152 of the Code, the following acts are derogatory to the dignity of the profession:";

(2) by substituting the following for paragraph *d*:

"(d) failing to inform the secretary of the Order in due time where he knows that a candidate does not meet the conditions of admission to the Order, and where he believes that an occupational therapist is practising the profession in a manner likely to harm the public;" and

(3) by substituting the following for paragraph *e*:

"(e) allowing a person who is not a member of the Order to use the title "occupational therapist", or a title or abbreviation which may lead people to believe that he is a member, the abbreviation "erg.", or initials which may lead people to believe that he is a member, or the initials "O.T." or "O.T.R.", or not immediately informing the secretary of the Order where he knows that a person who is not entered on the roll of the Order uses those titles, abbreviations or initials."

4. The following division is added at the end:

**"DIVISION V
CONDITIONS, OBLIGATIONS AND PROHIBITIONS
IN RESPECT OF ADVERTISING**

5.01. An occupational therapist may mention in his advertising any information likely to help the public make an enlightened choice and to promote access to useful or necessary services.

An occupational therapist must promote the preservation and development of professionalism in his advertising.

5.02. An occupational therapist may not, by any means whatsoever, engage in or allow the use of advertising that is false, incomplete, deceptive or liable to mislead.

5.03. An occupational therapist who, in his advertising, claims to possess specific qualities or skills, particularly in respect of his level of competence or the scope or efficacy of his services, shall be able to substantiate such claim.

5.04. An occupational therapist may not use an endorsement or testimonial concerning himself in his advertising.

5.05. An occupational therapist shall indicate his name and professional title in his advertising.

5.06. An occupational therapist may not engage in advertising intended for a clientele that is vulnerable by reason of the occurrence of a specific event.

5.07. An occupational therapist must avoid, in his advertising, all methods and attitudes tending to impute a mercenary or commercialistic nature to the profession.

5.08. An occupational therapist may not resort to advertising practices likely to discredit or denigrate anyone, including another professional.

5.09. An occupational therapist must keep a complete copy of every advertisement for at least 5 years following the date on which it was last authorized to be published or broadcast. That copy must be given to the secretary of the Order upon request.

5.10. An occupational therapist who advertises professional fees or prices must do so in a manner easily understandable by persons without special knowledge of occupational therapy or the professional services covered by the advertisement and must:

(1) maintain them in force for the period mentioned in the advertisement, which may not be less than 90 days after the last authorized broadcast or publication;

(2) specify the services included in those fees or prices;

(3) indicate whether expenses are included or not;

(4) indicate whether additional services not included in those fees might be required.

However, an occupational therapist may agree with his client on an amount lower than the one advertised.

5.11. In the case of an advertisement relating to a special price or a rebate, an occupational therapist must mention the period of validity, if any, of the special price or rebate. That period may be less than 90 days.

5.12. In a statement or advertisement, an occupational therapist may not, by any means whatsoever, emphasize a price or rebate more than the service offered.

5.13. An occupational therapist who reproduces the graphic symbol of the Order for advertising purposes must make sure that it is an accurate copy of the original held by the secretary of the Order.

An occupational therapist who reproduces the name of the Order in his advertising must use the following formulation: member of the Ordre des ergothérapeutes du Québec.”.

5. In accordance with section 10 of the Act to amend the Professional Code and various Acts constituting professional orders with respect to professional advertising

and certain registers (1990, c. 76), the Regulation respecting advertising by occupational therapists (R.R.Q., 1981, c. C-26, r. 85) ceases to have effect on the date of coming into force of this Regulation.

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

2458

Gouvernement du Québec

O.C. 1024-98, 5 August 1998

An Act respecting occupational health and safety (R.S.Q., c. S-2.1)

Industrial establishments — Revocation

Regulation to revoke the Regulation respecting industrial establishments

WHEREAS under section 223 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission de la santé et de la sécurité du travail may make regulations in matters of occupational health and safety;

WHEREAS under section 310 of the Act, regulations respecting the health, safety or physical well-being of workers made pursuant to the Environment Quality Act (R.S.Q., c. Q-2) remain in force, to the extent that they are consistent with the Act respecting occupational health and safety, until they are amended, replaced or repealed by a regulation made pursuant to the Act;

WHEREAS in accordance with sections 224 of the Act and 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 21 January 1998 with a notice that at the expiry of 60 days following that notice, it could be adopted by the Commission with or without amendment and submitted to the Government for approval;

WHEREAS at its meeting of 21 May 1998, the Commission adopted the Regulation to revoke the Regulation respecting industrial establishments, without amendment;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister Labour: