

Draft Regulations

Draft Regulation

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

Chiropractors — 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 des chiropraticiens du Québec has adopted the Regulation to amend the Code of ethics of chiropractors.

The Regulation, the text of which appears below, will be examined by the Office des professions du Québec pursuant to section 95 of the Professional Code. Then, it will be submitted to the Government, with the recommendation of the Office, for approval with or without amendments upon the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to prescribe, as required by the Professional Code, provisions concerning the accessibility and correction of records held by members of the Ordre des chiropraticiens du Québec. It is also intended to prescribe, as required by the Professional Code, obligations and restrictions respecting advertising by chiropractors. Finally, it aims at harmonizing the wording of certain provisions of the Code of ethics with the provisions of the Professional Code of Québec.

According to the Ordre des chiropraticiens du Québec, the Regulation is intended to guarantee that all the members of the Ordre des chiropraticiens du Québec will have to meet ethical obligations designed to protect the public. The Order does not foresee any impact other than that guarantee on businesses, particularly on small and medium-sized businesses.

Further information may be obtained by contacting Mr. Yves Roy, Secretary of the Ordre des chiropraticiens du Québec, at the following address: 7950, boulevard Métropolitain Est, Ville d'Anjou (Québec) H1K 1A1; telephone: (514) 355-8540; fax: (514) 355-2290; E-mail: ocq@msn.com.

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800,

place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. Those comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be forwarded to the professional order that made the Regulation, as well as to interested persons, departments and bodies.

JEAN-K. SAMSON,
*Chairman of the Office
des professions du Québec*

Regulation to amend the Code of ethics of chiropractors *

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

1. The Code of ethics of chiropractors is amended in section 1.01 by adding the following after paragraph *b*:

“(c) “service”: any act that a chiropractor may perform or any opinion and advice that he may give in the practice of his profession.”.

2. The Code is amended by striking out the words “, so as not to unduly restrict his patient’s autonomy” at the end of section 3.01.07.

3. The Code is amended by substituting the following for section 3.02.02:

“**3.02.02** Where necessary to the patient’s well-being, a chiropractor must refer him to another chiropractor, a member of another professional order or any other competent person.”.

4. The Code is amended by adding the words “and he has obtained the person’s consent” at the end of section 3.06.03.

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

“§7. *Accessibility and correction of records*

3.07.01. A chiropractor must allow his patient to consult the documents concerning him in any record made in his regard and to obtain copies of such documents.

* The Code of ethics of chiropractors (R.R.Q., 1981, c. C-16, r. 2) was amended by the Regulation approved by Order in Council 154-85 dated 23 January 1985 (1985, *G.O.* 2, p. 934).

However, a chiropractor may deny access to the information contained in the record where disclosing it might cause serious harm to a patient or third person.

3.07.02. A chiropractor must allow his patient to have corrected, in a document concerning him and included in any record made in his regard, information that is inaccurate, incomplete or ambiguous in view of the purposes for which it is collected. He must also allow his patient to have deleted any information that is outdated or unwarranted by the purpose of the record or to make comments in writing and add them to the record.

3.07.03 Where a patient requests access or corrections to a record, the chiropractor who holds it must respond to the application promptly, not later than 20 days following the date of the request.

3.07.04. Access to information in a record must be free of charge. However, expenses not exceeding the cost for transcribing, reproducing or forwarding the information may be charged to the patient. A chiropractor who intends to charge expenses under this section must give the patient an estimate of the amount exigible before proceeding with the transcription, reproduction or forwarding.

3.07.05. A chiropractor who refuses to grant a request for access or corrections made by a patient must inform him in writing of his refusal, giving the reasons and informing him of his recourses.

3.07.06. A chiropractor who grants a request for corrections must issue to the patient free a charge a copy of any amended or added information or, as the case may be, an attestation that information has been withdrawn.

That patient may require the chiropractor to send a copy of such information or attestation to the person from whom the information was obtained or to any other person to whom the information was provided.

3.07.07. A chiropractor who holds information referred to in a request for access or corrections must, if he denies the request, keep it for the time needed by the patient to exhaust the recourses provided for by law.”.

6. The Code is amended by adding the following after section 4.04.01:

**“DIVISION V
RESTRICTIONS AND OBLIGATIONS RESPECTING
ADVERTISING**

5.01 A chiropractor may not, by any means whatsoever, engage in or allow others to engage in advertising that is false, deceptive, incomplete or likely to mislead.

5.02 A chiropractor must avoid all advertising likely to denigrate the image of the profession or to give it a mercenary or commercial character.

5.03 A chiropractor may not, by any means whatsoever, engage in advertising likely to discredit or denigrate a person or group of persons.

Neither may he, by any means whatsoever, engage in advertising that compares the quality of his services to those of other chiropractors.

5.04 A chiropractor may not, by any means whatsoever, engage in advertising liable to unduly influence persons who may be physically or emotionally vulnerable by reason of their age, their state of health or a specific event.

5.05 A chiropractor may not claim to possess specific qualities or skills, unless he can substantiate such claim.

5.06 A chiropractor addressing the public by way of any medium whatsoever may not:

- (1) communicate information not based on principles recognized by the chiropractic science;
- (2) express opinions that are not generally admitted by the chiropractic science; or
- (3) engage in untimely advertising for an examination or treatment method.

5.07 Whenever a chiropractor broadcasts or publishes an advertisement, he must make sure that the public clearly perceives it as such.

5.08 A chiropractor who advertises a price, a rebate, a discount or a free service must:

- (1) fix specific amounts, where applicable;
- (2) specify the nature and scope of the services;
- (3) indicate if additional services likely to be required are not included and, if so, indicate the price of those services;
- (4) put more emphasis on the service than the price, rebate, discount or free service; and
- (5) keep the price, rebate, discount or free service in force for at least 90 days from the date the advertisement was last broadcast or published.

However, a chiropractor may always agree with a patient on a price lower than the one broadcast or published.

5.09 In any advertisement, a chiropractor may not state the amount of the instalments to be paid for a service, unless the total price of the service is emphasized.

5.10 A chiropractor may not, by any means whatsoever, falsely:

- (1) advertise a price reduction;
- (2) indicate the regular price or another reference price for a service; or
- (3) lead to believe that the price of a service is advantageous.

5.11 A chiropractor may not solicit the participation of the public in a research program or experiment without the written approval of the Bureau, which may be given on the following conditions:

- (1) the chiropractor has sent the secretary of the Order the duly completed "Application for approval of a research program" shown in Schedule I; and
- (2) the chiropractor has attached to the application form the protocol of the research program to be carried out, establishing its compliance with the document entitled "Lignes directrices concernant la recherche de l'Université du Québec à Trois-Rivières sur des êtres humains" described in the footnote of Schedule I.

5.12 A chiropractor must ensure that all persons who work with him in the practice of his profession, in whatever capacity, comply with the rules respecting advertising.

5.13 All the chiropractors who are partners or who practise the profession together are jointly responsible for compliance with the rules respecting advertising, unless one of them establishes that the advertisement was done without his knowledge or consent and in spite of the measures taken to ensure compliance with those rules.

5.14 A chiropractor must keep a copy or reproduction of any document related to any of his advertisements for 2 years following the date it was last broadcast or published.

5.15 The Order is represented by a graphic symbol. A chiropractor who uses that symbol in his advertising must make sure that it matches the original held by the secretary of the Order."

7. Division V, added by section 6 of this Regulation, replaces the Regulation respecting advertising by chiropractors, approved by Order in Council 1533-83 dated 2 August 1983.

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

SCHEDULE I

APPLICATION FOR APPROVAL OF A RESEARCH PROGRAM
(s. 5.11)

Name: _____

Address: _____

City: _____

Postal code: _____

Telephone: _____

Permit No.: _____

Title of research: _____

Duration of research: _____

Research plan (use additional sheets if need be):

_____ Signature _____ Date

Note: Lignes directrices concernant la recherche de l'Université du Québec à Trois-Rivières sur des êtres humains

Research plan

SUMMARY OF RESEARCH PLAN: List the research objectives, describe the scientific methods to be used to attain the objectives and describe the potential importance of the research for the advancement of scientific knowledge in health care.

Summary of project for public use

The summary may be used by the foundation to respond to requests for information and for any other public information purposes. Even though it is not very meaningful or intelligible for readers well-informed about the science, the applicant must understand that the summary may be used to respond to requests made by non-scientists. Scientific terms must be avoided.

The summary must describe briefly the prime objectives of the project, the techniques or approaches and the potential importance of the research for the advancement of scientific knowledge in health care.

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