

Draft Regulations

Draft Regulation

Podiatry Act
(R.S.Q., c. P-12)

Podiatrists — Medications — 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 Regulation to amend the Regulation respecting the medications that a podiatrist may use in the practice of his profession or administer or prescribe to his patients, made by the Office des professions du Québec, the text of which appears below, may be submitted to the Government which may approve it, with or without amendment, upon the expiry of 45 days following this publication.

According to the Office, in light of the information provided by the Ordre des podiatres du Québec, the purpose of the Regulation is to allow a podiatrist to increase his professional services by favouring a better treatment of local feet affections.

According to the Office, the Regulation will have, for the public, a favourable impact in that it will allow it to receive adequate care from any podiatrist while ensuring its protection and will not create more obligations than those to which podiatrists are already submitted.

Further information may be obtained by contacting Diane Amyot, notary, Direction des Affaires juridiques de l'Office des professions du Québec, 800, place d'Youville, 10^e étage, Québec (Québec) G1R 5Z3, tel. (418) 643-6912 or 1 800 643-6912.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Chairman of the Office, at the above address.

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

Regulation to amend the Regulation respecting the medications that a podiatrist may use in the practice of his profession or administer or prescribe to his patients^(*)

Podiatry Act
(R.S.Q., c. P-12, s. 12)

1. Schedule I to the Regulation respecting the medications that a podiatrist may use in the practice of his profession or administer or prescribe to his patients is amended by adding:

(1) “Ketoconazole” and “Terbinafine” in “4.5 Fungicides”; and

(2) “Chlortetracycline” and “Neomycin” in “4.6 Topical antibiotics”.

2. 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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Draft Regulation

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

Town planners — Code of ethics

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Ordre des urbanistes du Québec made the Code of ethics of the members of the Ordre des urbanistes du Québec.

The Regulation, the text of which appears below, will be subject to an examination by the Office des professions du Québec pursuant to section 95 of the Professional Code and will subsequently be submitted, with the recommendation of the Office, to the Government

* The Regulation respecting the medications that a podiatrist may use in the practice of his profession or administer or prescribe to his patients, approved by Order in Council 1057-91 dated 24 July 1991 (1991, *G.O.* 2, 3231), has not been amended since.

which may approve it with or without amendment upon the expiry of 45 days following this publication.

The purpose of the Regulation is to update the Code of ethics of town planners as regards the duties and obligations of town planners towards the public, clients, colleagues, the profession and the Order.

Thus, the rules applying to town planners in the carrying out of a mandate entrusted by a client were clarified, in particular, as regards conflict of interest, availability, independence, integrity and liability so that the current situation of the professional practice be taken into account.

According to the Ordre des urbanistes, the updating of the Code of ethics was necessary in order to ensure a better protection of the public and an increased supervision of the professional practice. In addition, according to the Order, there will be no other impact on businesses, in particular small and medium-sized businesses.

Further information on the Regulation may be obtained by contacting Gisèle Floc'h Rousselle, Executive Director and Secretary, Ordre des urbanistes du Québec, 85, rue Saint-Paul Ouest, bureau B-5, 4^e étage, Montréal (Québec) H2Y 3V4; tel. (514) 849-1177; fax: (514) 849-7176.

Any person having comments to make on the Regulation 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, that is the Ordre des urbanistes du Québec, and to the interested persons, departments and agencies.

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

Code of ethics of the members of the Ordre des urbanistes du Québec

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

DIVISION I GENERAL

1. In this Regulation, unless the context indicates otherwise,

(1) "Order" means the Ordre des urbanistes du Québec;

(2) "town planner" means a person who holds a permit issued by the Order and who is entered on the roll of the latter;

(3) "client" means any natural or legal person to whom a town planner renders professional services, upon request of that person.

2. The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, shall apply to this Regulation.

DIVISION II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

3. A town planner is bound by the duties and obligations towards the public provided for in this Division. He shall inform his client of these duties and obligations and endeavour to comply with them in the accomplishment of the mandate entrusted to him.

4. In the practice of his profession, a town planner shall respect the equilibrium of the social, socio-economic and physical environments that are affected; he shall always view the natural and man-made environment as a resource of public concern, which is limited, fragile and irreplaceable.

5. In the practice of his profession, a town planner shall take into account past actions and their consequences, projects and work in progress and the foreseeable consequences of his work and recommendations on the territory and population directly or indirectly affected.

6. A town planner shall contribute to and promote any measure intended to improve the quality, availability and reliability of professional services in the field in which he practises.

7. For each option, policy, action or project, a town planner shall indicate the advantages, disadvantages and potential risks on the environment and the population involved including, where applicable, prejudice or nuisance mitigation measures.

8. It is a town planner's social responsibility to promote measures of education and information in the field in which he practises.

DIVISION III DUTIES AND OBLIGATIONS TOWARDS THE CLIENT

§1. *General*

9. Before accepting a mandate from a client, a town planner shall take into account his own abilities and the appropriateness of the resources at his disposal, as well as the availability of the required information and data. He shall define the scope of the mandate with his client and make sure that they have an understanding as to the products to be provided and to their format.

10. A town planner shall charge and accept fair and reasonable fees.

11. A town planner shall inform his client as soon as possible of any change to the mandate that could be required in the course of its fulfilment and obtain his consent to it.

12. A town planner shall express opinions and draw up documents in compliance with the orientations and parameters of his mandate while safeguarding his professional independence.

13. A town planner shall not interfere with a client's right to consult another town planner, a member of another professional order or another qualified person. Where a client's interest so requires, he shall even, with the latter's permission, consult a colleague, a member of another professional order or any qualified person, or refer his client to one of these persons.

14. A town planner shall not interfere in the affairs of his client that are not related to the mandate entrusted to him.

15. A town planner shall notify his client as soon as possible of any error he has made while rendering a professional service and that is potentially detrimental to the client and difficult to rectify.

16. A town planner shall carry on his activities with dignity and shall refrain from practising in a state or in conditions liable to compromise the quality of his services.

17. A town planner may not cease to act on behalf of a client. Unless he has sound and reasonable grounds for doing so, such grounds are sound and reasonable where, in particular,

(1) the client has lost confidence in the town planner;

(2) the client attempts to induce the town planner to commit illegal, unfair, fraudulent or derogatory acts;

(3) the town planner is in a situation of conflict of interest or appears to be in such a situation or one where his professional independence could be questioned;

(4) the client fails to systematically fulfil the obligations stipulated in the contract; or

(5) the town planner's state of health renders him incapable of carrying out his duties.

18. Before ceasing to carry out his duties on behalf of a client, a town planner shall forward to his client an advance notice specifying the reasons for his withdrawal within a reasonable time, which can be no less than ten working days, and, insofar as possible, shall make sure that such cessation of service is not prejudicial to his client.

§2. *Liability and integrity*

19. In the practice of his profession, a town planner may not evade personal civil liability. In particular, he may not insert in a contract for professional services a clause that directly or indirectly excludes all or part of that liability.

20. A town planner shall make sure that he is identified as such in all documents prepared by himself or under his immediate supervision or in the documents on which he worked in cooperation. He shall keep his own copy of any such document.

21. A town planner may share his fees with another person on the condition that such sharing corresponds to an apportionment of the services, responsibilities and risks.

22. Other than the remuneration to which he is entitled, a town planner shall not receive any benefit, discount or commission relating to the practice of his profession. He shall likewise refrain from paying or undertaking to pay any such benefit, discount or commission.

§3. *Quality of work and availability*

23. A town planner shall act with integrity and with reasonable promptness when carrying out a mandate.

24. A town planner shall express opinions and draw up documents in compliance with the products defined in the mandate. He shall be meticulous in the contents and presentation of his work.

25. A town planner shall take reasonable care of the property entrusted to him by a client and he may not lend or use it for purposes other than those for which it was entrusted to him.

26. A town planner shall allow his client to consult the documents which concern him in any record made in his regard and to obtain a copy of such documents.

§4. Independence and conflict of interest

27. A town planner shall avoid any situation where he could be in a conflict of interest, in particular, any situation which would lead him to favour his own interests over those of a client or to favour the interests of one client over those of another client.

28. When deciding on any question relating to a conflict of interest, consideration shall be given to

- (1) the respect of the duties and obligations towards the public;
- (2) the effect on the credibility of the profession;
- (3) the explicit or implicit consent of the clients;
- (4) the interrelationships between mandates;
- (5) the fact that mandates are simultaneous and their territorial concomitance;
- (6) the parties' good faith.

29. For each case of concurrent interrelated mandates concerning the same territory or part of territory, an agreement specifying the subject of the mandates and their duration shall make the consent of the parties official.

The agreement does not exempt a town planner from his obligation to be impartial when carrying out a mandate and not to favour his own interests or the interests of one client over those of another client.

30. Where a town planner took part in the development of a land use planning or town planning instrument which is under examination for the purposes of establishing compliance, he shall make sure that he is not the only qualified professional making a recommendation with regard to the issuing of a certificate of compliance.

The other professional who agrees to act with the town planner referred to in this provision shall also commit his professional liability.

31. In the appraisal of any situation that may give rise to a conflict of interest, a town planner may consult a committee whose members are appointed therefor by the Bureau of the Order.

§5. Confidentiality

32. A town planner may not make use of information belonging to a client or which was entrusted to him by a client for the benefit or advantage of another person or for his own advantage or benefit, to the detriment of the client.

33. Information that the client considers confidential and that is entrusted to a town planner in the performance of his duties shall not be used by the town planner for the benefit or advantage of another person or for his own advantage or benefit without the express authorization of the client.

**DIVISION IV
DUTIES AND OBLIGATIONS TOWARDS
COLLEAGUES**

34. A town planner shall respect his colleagues as professionals. In judging a colleague, he shall display objectivity, fairness and moderation.

35. A town planner shall not abuse a colleague's good faith or commit a breach of trust or use unfair practices towards him.

He shall not, in particular,

- (1) attempt to obtain a mandate from a client which, to his knowledge, has already been entrusted to a colleague;
- (2) take advantage of his quality of employer or superior to limit, in any way whatsoever, the professional independence of a town planner working for him or under his responsibility;
- (3) prepare, free of charge, any document, other than a document to offer his professional services, in order to obtain a mandate from a client;
- (4) use, without authorization, a document to offer his professional services, a work program or a call for proposals prepared by a colleague to put out a request for offers of services;
- (5) answer to a request for offers of services, alone or in cooperation, under two or more proposals.

36. A town planner shall not take credit for work done by a colleague. If he uses certain documents originating from a colleague, he shall mention the source thereof.

37. A town planner who is consulted by a colleague shall give the colleague his opinion and recommendations as promptly as possible.

38. A town planner in charge of completing the work of a colleague or mandated to re-do part of his work shall avoid unfair and immoderate criticism.

Where a client asks a town planner to examine or review work that was not done by himself, the town planner shall so advise the colleague in question and, where applicable, ascertain that the latter's mandate has been completed.

39. A town planner who is called upon to collaborate with a colleague shall maintain his professional independence.

40. A town planner who practises his profession jointly with other town planners or with other persons shall ensure that this practice is not prejudicial to his client.

41. A town planner may not institute legal proceedings against a colleague on a question relating to the practice of the profession before applying for conciliation to the Order.

42. A town planner may sell his accounts only to a colleague.

DIVISION V DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION AND THE ORDER

43. A town planner shall act in the respect of the principles and methods governing his profession. He shall propose processes appropriate and adapted to the context of action.

44. A town planner shall keep up-to-date and perfect his knowledge and professional skills.

45. A town planner shall, as much as he is able, contribute to the development, recognition and influence of his profession. He shall also contribute, where required, to the training of trainees and to the activities of the Order.

46. A town planner shall not perform the following acts, which, in addition to the acts mentioned in the Professional Code, are derogatory acts:

(1) taking part in or contributing to an illegal practice of the profession or an appropriation or illegal use of the title of town planner;

(2) affixing his seal or signature to documents that have neither been prepared by him nor under his order or immediate supervision;

(3) using the title of specialist or acting in a way so as to make others believe that he is a specialist;

(4) inducing someone, in a pressing or repeated manner, to have recourse to his professional services;

(5) communicating with a complainant without the prior written permission of the syndic when he is informed of an investigation into his professional conduct or competence or when a complaint has been served on him;

(6) refusing to follow the conciliation and arbitration procedure for accounts and to comply with the decision of the arbitrators;

(7) refusing or neglecting to comply with the requirements of the professional inspection committee or the syndic.

47. A town planner shall answer promptly any correspondence sent to him by the syndic, by an investigator or by the professional inspection committee of the Order.

48. A town planner who is aware that an offence against this Regulation was committed by a member of the Order shall so notify the syndic as soon as possible.

DIVISION VI RESTRICTIONS AND OBLIGATIONS RESPECTING ADVERTISING

49. A town planner may not engage in advertising, in any way whatsoever, that is false, misleading, incomplete or likely to mislead, or allow such advertising to be used.

50. A town planner may not use advertising practices likely to denigrate or disparage another town planner.

51. A town planner who advertises his fees shall

(1) establish fixed rates;

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

(3) indicate whether or not disbursements are included in the rates;

(4) indicate whether additional services which are not included in the rates might be required;

(5) indicate whether the taxes are included in the rates.

These particulars shall be given in a manner that can be understood by persons having no particular knowledge of the field of town planning.

Any such advertisement shall remain in effect for a minimum period of 90 days after the date it was last broadcast or published.

52. In his advertising, a town planner may not use or allow to be used an endorsement concerning him.

53. In any statement or advertisement, a town planner shall include his name and his title of town planner. He may mention any prizes and awards he has received.

54. All partners in a town planning consulting firm shall be held jointly and severally responsible for respecting the rules concerning advertising, unless the advertisement clearly indicates the name of the town planner responsible for it.

55. The Order shall be represented by a graphic symbol identical to the original held by the secretary of the Order.

Where a town planner reproduces the graphic symbol in a statement or for advertising purposes, he shall ensure that it is identical to the original held by the secretary of the Order.

56. A town planner shall keep a complete copy of any advertisement in its original form for one year following the date it was last broadcast or published. The copy shall be given to the syndic upon request.

57. This Regulation replaces the Code of ethics of town planners (R.R.Q., 1981, c. C-26, r. 192).

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