

tions and skills, even if he periodically needs help or supervision; and

(3) level 1, applicable to the objective mentioned in paragraph 4 of section 7, requires that the trainee demonstrate a satisfactory mastery of the required qualifications and skills, even if he needs help or supervision to master the skill in its entirety.

A trainee who does not attain the expected level of mastery for any of the objectives described in section 7 fails the period of training.

21. Once the trainee has completed his period of training, the tutor and the supervisor shall each prepare a written evaluation report containing their individual evaluations.

The tutor shall evaluate the attainment of the objectives through the elements the trainee has learned in the work environment. The supervisor shall evaluate the attainment of the objectives for the whole program of training, including the professional program.

22. The tutor and the supervisor shall each provide a copy of their reports to the trainee and to the committee within 30 working days following the end of the period of training.

23. After studying each of the reports, the committee shall evaluate whether the trainee has passed the period of training and shall recommend to the Bureau that it issue a passing attestation or a notice of failure.

24. The committee's recommendation as to the passing or failure of a period of training shall include reasons and shall be sent to the trainee without delay.

25. Before recommending to the Bureau that it issue a notice of failure, the committee shall give the parties concerned the opportunity to be heard. The committee is not bound by any negative conclusions contained in the evaluation reports. The committee shall send the trainee, the tutor and the supervisor a written notice of the date and place of the hearing at least 15 working days in advance.

26. A trainee who fails a period of training shall repeat it in accordance with the conditions determined in this Regulation.

27. This Regulation applies to the periods of training in progress when it comes into force. Notwithstanding the foregoing, a candidate who, under the Regulation respecting conditions for admission to the notarial profession (R.R.Q., 1981, c. N-2, r. 6), has successfully

completed one or several activities of the professional program or the on-the-job period of training shall not have to repeat them and, in case of failure, will have to repeat only either the activity he has failed or the on-the-job period of training.

28. This Regulation replaces the Regulation respecting conditions for admission to the notarial profession.

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

2221

Gouvernement du Québec

O.C. 594-98, 29 April 1998

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

Nursing assistants

— **Code of ethic**

— **Amendments**

Regulation to amend the Code of ethics of nursing assistants

WHEREAS under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau 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 under that section, the code of ethics must contain, *inter alia*:

(1) provisions determining which acts are derogatory to the dignity of the profession;

(2) provisions defining, if applicable, the professions, trades, industries, businesses, offices or duties incompatible with the dignity or practice of the profession;

(3) provisions to preserve the secrecy of confidential information that becomes known to the members of the order in the practice of their profession;

(4) 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 Professional Code, and provisions concerning a

professional's obligation to release documents to his client;

(5) provisions setting out conditions, obligations and, where applicable, prohibitions in respect of advertising by all members of the order.

WHEREAS at its meeting of 22 May 1997, the Bureau of the Ordre des infirmières et infirmiers auxiliaires du Québec adopted the Regulation to amend the Code of ethics of nursing assistants;

WHEREAS under section 95.3 of the Professional Code, the secretary of the Order sent a draft of the Regulation to every member of the Order at least 30 days before its adoption by the Bureau, by publishing it in the Order's periodical, that is, Santé Québec, Vol. 8, No. 1, Spring 1997, which is sent to all members;

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), the Regulation was published, in draft form, in Part 2 of the *Gazette officielle du Québec* of 3 September 1997, with a notice that it could be submitted to the Government for approval with or without amendment, upon the expiry of 45 days following its publication and inviting any person having comments to make to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec;

WHEREAS following the publication of the Regulation, the Chairman of the Office received no comments;

WHEREAS in accordance with section 95 of the Professional Code, the Regulation was sent to the Office, which examined it and made its recommendation;

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 nursing assistants, 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 nursing assistants(*)

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

1. The Code of ethics of nursing assistants is amended by striking out the words "AND INTERPRETATION" in the title of Division I.

2. Section 1.01 is amended by striking out the word "professionnel" in paragraph *a* of section 1.01.

3. Section 1.02 is revoked.

4. The following is substituted for the title of subdivision 1 of Division IV:

"Acts derogatory to the dignity of the profession".

5. Section 4.01.01 is amended

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

"4.01.01 In addition to the acts referred to in section 59 of the Professional Code, an act referred to in section 59.1 of that Code and any act determined pursuant to paragraph 1 of the second paragraph of section 152 of that Code, the following acts are derogatory to the dignity of the profession:";

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

"(j) communicating, without the prior written authorization of the syndic or assistant syndic, with a person who requested an inquiry or any person assisting him within the meaning of section 122.2 of the Code or with a witness summoned by the complainant pursuant to section 146 of the Code, where the nursing assistant is informed that he is the subject of an inquiry by the syndic of the Order, or an assistant syndic, pursuant to section 122 of the Professional Code or where notice of a complaint has been served on him in accordance with section 132 of the Code;"; and

(3) by adding the following after paragraph *j*:

* The Code of Ethics of nursing assistants (R.R.Q., 1981, c. C-26, r. 111) was last amended by section 457 of Chapter 40 of the Statutes of 1994. For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1998, updated to 1 March 1998.

“(k) voluntarily leaving without sufficient reason a patient requiring supervision or refusing without sufficient reason to provide care and not making sure that competent relief personnel will take over where the nursing assistant can reasonably ensure such relief;

(l) performing an act or behaving in a way that is contrary to what is generally admitted in the practice of the profession.”.

6. The following is substituted for section 4.02.02:

“**4.02.02** A member must promptly reply to any correspondence from the secretary of the Order, the syndic of the Order, the assistant syndic or the corresponding syndic, an expert appointed by the syndic, the Order’s professional inspection committee or a member, an investigator, an expert or an inspector of that committee.”.

7. Section 4.02.06 is revoked.

8. The following divisions are inserted after section 4.03.01:

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

5.01.01 A member must use his name and professional title in all advertising.

5.01.02 Any advertising by a member must be of such a nature as to adequately inform persons who have no particular knowledge of the field referred to in the advertisement.

5.01.03 A member may not, in any way whatsoever, engage in or allow the use of advertising that is likely to unduly influence persons who may be physically or emotionally vulnerable because of their age, state of health or the occurrence of a specific event.

5.01.04 A member must avoid all advertising that is likely to tarnish the image of the profession or to impart to it a profit-seeking or commercial character.

5.01.05 A member must by no means engage in or allow the use of advertising that is false, incomplete, misleading or likely to mislead as to the professional services he provides or will be required to provide.

5.01.06 A member may not advertise miraculous treatment or care the scientific value or effectiveness of which is not recognized.

5.01.07 A member may not claim to possess specific qualities or skills in his advertising, particularly regard-

ing the efficiency or scope of his services or of those generally provided by the other members of his profession or regarding his competence, unless he can substantiate such claim.

In his advertising, a member may not attribute specific advantages or performance to products or services, claim that financial advantages will result from the acquisition or use of products or services or that they comply with an established standard, unless he can substantiate such claim.

5.01.08 A member may not in his advertising compare the quality of his services to the services rendered or that can be rendered by other members, nor may he discredit or denigrate the services rendered or that can be rendered by other members.

5.01.09 A member, in his advertising, may not use or allow the use of an endorsement or statement of gratitude he has received.

The first paragraph does not prevent a member from mentioning in his advertising an award for excellence or any other prize in recognition of a specific contribution or achievement.

5.01.10 A member who advertises costs or fees must:

(1) establish fixed amounts;

(2) specify the services included in those amounts;

(3) indicate whether disbursements are included in the amounts;

(4) indicate whether additional services are required and if they are included in the amounts.

All fixed amounts must remain in force for at least 30 days after the date on which the advertisement was last broadcast or published.

A member may however agree to an amount that is lower than that broadcast or published.

5.01.11 A member who uses the graphic symbol of the Order for advertising purposes other than business cards must include the following warning in the advertisement:

“This advertisement does not originate from and does not commit the liability of the Ordre des infirmières et infirmiers auxiliaires du Québec.”.

5.01.12 A member who uses the graphic symbol of the Order for advertising purposes, including business cards, may neither juxtapose the name of the Order with

the symbol nor use its name in any other way, except to indicate that he is a member of the Order.

5.01.13 A member must keep a complete copy, in paper or electronic form, of any advertisement for at least five years following the date it was last broadcast or published. That copy must be provided to the syndic of the Order upon request.”.

DIVISION VI

USE OF GRAPHIC SYMBOL OF THE ORDER

6.01.01 A member who reproduces the graphic symbol of the Order for any purpose whatsoever must ensure that it matches in every respect the original held by the secretary of the Order.”.

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

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 nursing assistants (R.R.Q., 1981, c. C-26, r. 119) ceases to have effect on the date of coming into force of this Regulation.

2222

Gouvernement du Québec

O.C. 599-98, 29 April 1998

An Act respecting health services and social services for Cree Native persons
(R.S.Q., c. S-5)

Regional councils and public institutions — **Executive directors**

Regulation respecting the selection, remuneration, group insurance plans, employment stability measures, end of engagement measures, and procedure of appeal applicable to the executive directors of regional councils and of public institutions referred to in the Act respecting health services and social services for Cree Native persons

WHEREAS under section 154 of the Act respecting health services and social services (R.S.Q., c. S-5), the Government may, by regulation, determine the standards and scales to be followed by regional councils, public establishments and the private establishments contemplated in sections 176 and 177 for the remuneration

and other conditions of employment of the other staff members, taking account of the collective agreements in force;

WHEREAS the Government may also establish by regulation, for the persons contemplated in subparagraph 2 of the first paragraph of that section who are not governed by a collective agreement, a procedure of appeal for cases of dismissal, non-renewal or termination of appointment other than cases resulting from proceedings for forfeiture of office. The regulation may also establish a procedure for the settlement of disagreements arising from the interpretation and implementation of the conditions of employment it determines. Finally, the regulation may prescribe the designation of an arbitrator and the measures that the arbitrator may take following the hearing of the parties;

WHEREAS it is expedient to make the Regulation respecting the selection, remuneration, group insurance plans, employment stability measures, end of engagement measures, and procedure of appeal applicable to the executive directors of regional councils and of public health and social services institutions referred to in the Act respecting health services and social services for Cree Native persons;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Health and Social Services:

THAT the Regulation respecting the selection, remuneration, group insurance plans, employment stability measures, end of engagement measures, and procedure of appeal applicable to the executive directors of regional councils and of public health and social services institutions referred to in the Act respecting health services and social services for Cree Native persons, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif
