

Regulations and other acts

Gouvernement du Québec

O.C. 764-98, 10 June 1998

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10)

Amendment to Schedule I to the Act

Amendment to Schedule I to the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under section 1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the retirement plan applies to employees and persons designated in Schedule I, and employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS under the first paragraph of section 220 of the Act, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1 and VI and any such order may have effect 12 months or less before it is made;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Administration and the Public Service and Chairman of the Conseil du trésor:

THAT the Amendment to Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), attached hereto, be made.

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

Amendment to Schedule I to the Act respecting the Government and Public Employees Retirement Plan*

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10, s. 220)

1. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by inserting the following in alphabetical order in paragraph 1: “the Alliance des professeurs et professeurs de Montréal”.

2. This Order in Council comes into force on the date it is made by the Government but has effect from 1 September 1997.

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Gouvernement du Québec

O.C. 789-98, 10 June 1998

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

Radiology technologists — Code of ethics

Code of ethics of radiology technologists

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

* Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) was amended, since the last update of the Revised Statutes of Québec to 1 March 1997, by Orders in Council 629-97 dated 13 May 1997 (1997, G.O. 2, 2243), 788-97 dated 18 June 1997 (1997, G.O. 2, 3338), 1105-97 dated 28 August 1997 (1997, G.O. 2, 4561), 1652-97 dated 17 December 1997 (1997, G.O. 2, 6293), 296-98 dated 18 March 1998 (1998, G.O. 2, 1425) and 297-98 dated 18 March 1998 (1998, G.O. 2, 1426), and by sections 35 of Chapter 26 of the Statutes of 1997, 33 of Chapter 27 of the Statutes of 1997, 13 of Chapter 36 of the Statutes of 1997, 631 of Chapter 43 of the Statutes of 1997, 57 of Chapter 50 of the Statutes of 1997, 121 of Chapter 63 of the Statutes of 1997, 52 of Chapter 79 of the Statutes of 1997 and 37 of Chapter 83 of the Statutes of 1997.

the public, his clients and his profession, particularly the duty to discharge his professional obligation with integrity;

WHEREAS under the same 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 profession, trade, 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 condition 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;

(5) 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 technologues en radiologie du Québec, at its meeting of 21 May 1997, made the Code of ethics of radiology technologists as a replacement for the Code of ethics of radiology technologists (R.R.Q., 1981, c. T-5, r.4) and the Regulation respecting advertising by radiology technologists (R.R.Q., 1981, c. T-5, r.9);

WHEREAS under section 95.3 of the Professional Code, a draft Regulation was sent to every member of the order at least 30 days before its adoption by the Bureau;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 6 August 1997 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS in accordance with section 95 of the Professional Code, the Office des professions du Québec 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 Code of ethics of radiology technologists, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

Code of ethics of radiology technologists

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

CHAPTER I DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

1. A radiology technologist shall promote improvement in the quality and availability of professional services in the field in which he practises. To that end, he shall take measures to update his knowledge and shall apply new knowledge related to his field of practice.

2. In the practice of his profession, a radiology technologist shall bear in mind all the consequences which his research, work and actions may have on public health.

3. A radiology technologist shall promote measures of education and information in the field in which he practises and, insofar as possible, shall take the necessary actions to ensure that such education and information are provided.

CHAPTER II DUTIES AND OBLIGATIONS TOWARDS USERS

DIVISION I GENERAL

4. A radiology technologist shall practise his profession in accordance with the professional standards generally recognized by all the members of the Ordre des technologues en radiologie du Québec and in accordance with the current state of knowledge in the science.

5. In the practice of his profession, a radiology technologist shall bear in mind the limits on his capabilities, his knowledge and the means at his disposal.

6. A radiology technologist shall at all times recognize the user's right to consult another member of the Order, a member of another professional order or any other competent person.

7. A radiology technologist shall seek to establish a relationship of confidence with the user and shall refrain from exercising his profession in an impersonal manner.

8. A radiology technologist shall refrain from practising his profession in a state or in conditions liable to compromise the quality of his services or the dignity of the profession.

9. A radiology technologist shall refrain from intervening in the user's personal affairs in matters not pertaining to his professional competence, so as not to unduly restrict the user's autonomy.

DIVISION II INTEGRITY

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

11. A radiology technologist shall avoid any false representation with respect to his level of competence or the efficacy of his services or those generally provided by the members of the Order. If the good of the user so requires, he shall refer the user to another member of the Order, to a member of another professional order or another competent person.

12. A radiology technologist shall seek to obtain full knowledge of the facts where a user or another professional asks his advice or opinion in the practice of his profession.

DIVISION III AVAILABILITY AND DILIGENCE

13. A radiology technologist shall demonstrate reasonable availability and diligence in the practice of his profession. If he is unable to respond to a request within a reasonable time, he shall indicate to the user when he will be available.

14. A radiology technologist shall provide the user with the explanations necessary to understand and evaluate the services he renders to him.

15. A radiology technologist shall demonstrate objectivity and impartiality when persons other than users ask him for information.

16. Before ceasing to carry out his duties on behalf of a user, a radiology technologist shall ensure that cessation of service is not prejudicial to the user.

DIVISION IV LIABILITY

17. A radiology technologist shall, in the practice of his profession, fully commit his civil liability. He is thus prohibited from inserting in a contract for professional

services a clause that directly or indirectly excludes such liability in whole or in part.

DIVISION V INDEPENDENCE AND IMPARTIALITY

18. In the exercise of his profession, a radiology technologist shall subordinate his personal interest to that of the user.

19. A radiology technologist shall ignore any intervention by a third party which could affect the performance of his professional duties to the detriment of the user.

20. A radiology technologist shall at all times safeguard his professional independence and shall avoid any situation where he might be in a conflict of interest.

21. A radiology technologist shall refrain from sharing his fees with or remitting them to a person who is not a member of the Order. He may share his fees with a member of the Order only to the extent that such sharing corresponds to an apportionment of the services and responsibilities.

22. Except for the remuneration to which he is entitled, a radiology technologist shall refrain from accepting any gratuity, discount or commission relating to the practice of his profession. He shall likewise refrain from paying or offering or undertaking to pay any such gratuity, discount or commission.

DIVISION VI PROFESSIONAL SECRECY

23. A radiology technologist is bound by professional secrecy, in accordance with section 60.4 of the Professional Code (R.S.Q., c. C-26).

24. Where a radiology technologist asks a user to reveal to him confidential information or allows such information to be entrusted to him, he shall ensure that the user knows the reasons for it and the use that will be made of the information.

25. A radiology technologist shall not reveal that a person has used his services, unless the nature of the case so requires.

26. A radiology technologist shall avoid indiscreet conversations concerning a user and the services rendered to him.

27. A radiology technologist shall not make use of confidential information to the detriment of a user or

with a view to obtaining, either directly or indirectly, an advantage for himself or another person.

DIVISION VII **ACCESSIBILITY AND CORRECTIONS TO RECORDS**

28. Where a radiology technologist practises his profession in a public body governed by the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1), the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), he shall observe the rules respecting the accessibility and correction of records provided for in those statutes.

29. For the purposes of the first paragraph of section 60.5 of the Professional Code, access to the information contained in a record shall be free of charge. Notwithstanding the foregoing, fees not exceeding the cost of transcribing, reproducing or forwarding the information may be charged to the user.

Where a radiology technologist intends to charge fees under this section, he shall inform the user of the approximate amount exigible before transcribing, reproducing or forwarding the information.

30. For the purposes of section 60.6 of the Professional Code, a radiology technologist who grants an application for correction shall issue to the applicant, free of charge, a copy of any information amended or added or, as the case may be, an attestation that information has been deleted.

The user may require the radiology technologist to forward a copy of the information or, as the case may be, the attestation to the person from whom he obtained the information or to any other person to whom the information has been communicated.

31. Where a radiology technologist holds information in respect of which an application for access or correction has been made, he shall, if he refuses to grant the application, conserve the information for as long as necessary to allow the applicant to exhaust the recourses provided for by law.

DIVISION VIII **DETERMINATION AND PAYMENT OF FEES**

32. A radiology technologist shall charge and accept fair and reasonable fees.

33. Fees are fair and reasonable if they are warranted by the circumstances and are in proportion to the services rendered. A radiology technologist shall bear in mind the following factors in particular in determining his fees:

(1) his experience;

(2) the time devoted to performing the professional services;

(3) the difficulty and scope of the services; and

(4) whether he was called on to perform unusual services or services requiring exceptional competence or speed.

34. A radiology technologist shall provide the user with all the explanations necessary to understand his statement of fees and the terms of payment.

35. A radiology technologist shall give the user an estimate of the cost of his services beforehand.

36. A radiology technologist shall abstain from requiring advance payment of his fees. However, he may, by written agreement with the user, require an advance to cover payment of the expenditures necessary to perform the professional services required.

37. A radiology technologist may collect interest on outstanding accounts only after having duly notified the user to that effect. Interest so charged shall be at a reasonable rate.

38. Before resorting to legal proceedings, a radiology technologist shall exhaust all other means at his disposal to obtain payment of his fees.

39. Where a radiology technologist appoints another person to collect his fees, he shall ensure that the person acts with tact and moderation.

CHAPTER III **DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION**

DIVISION I **DEROGATORY ACTS**

40. The following acts, in addition to the acts referred to in sections 59 and 59.1 of the Professional Code or that may be performed in contravention of section 59.2 of the Code, are derogatory to the dignity of the profession where performed by a radiology technologist:

(1) practising his profession in a state of intoxication or in any other physical or mental state liable to compromise the quality of his services;

(2) falsifying an examination or treatment in any way whatsoever;

(3) tolerating or contributing to the illegal practice of the profession, in particular by collaborating with any person practising the profession without holding a permit for that purpose;

(4) failing to inform the Order as rapidly as possible of any person illegally practising the profession of radiology technologist;

(5) communicating with the complainant without prior permission in writing from the syndic or his assistant, where he is informed of an investigation into his professional conduct or competence or where he has received notice of a complaint against him; or

(6) requiring, offering, promising, accepting or agreeing to accept a sum of money or any advantage for the purpose of aiding in causing a procedure or decision of the Order to be adopted or rejected.

41. A radiology technologist shall report to the Order any derogatory act of which he is aware.

DIVISION II RELATIONS WITH THE ORDER, COLLEAGUES AND OTHER PROFESSIONALS

42. Where a radiology technologist is requested by the Order to serve on a council for the arbitration of accounts, a committee on discipline, a professional inspection committee or a review committee, he shall accept that duty unless he has reasonable grounds for refusing.

43. A radiology technologist shall reply promptly to all correspondence sent by the secretary of the Order, the syndic, the assistant syndic or an investigator or a member of the professional inspection committee. In his dealings with them, he shall not be guilty of a breach of trust or unfair practices.

44. A radiology technologist shall not abuse the good faith of a member of the Order or be guilty of a breach of trust or unfair practices in his dealings with him. He shall not, in particular, take credit for work performed by another person.

45. Where a radiology technologist is consulted by a member of the Order or another professional, he shall

provide his opinion and recommendations within a reasonable time.

46. Where a radiology technologist is called on to collaborate with a member of the Order, another professional or another competent person, he shall preserve his professional autonomy. He is not bound to perform any task contrary to his professional conscience or the principles governing the practice of the profession.

DIVISION III CONTRIBUTION TO THE ADVANCEMENT OF THE PROFESSION

47. A radiology technologist shall contribute, insofar as possible, to the development of the profession, in particular by promoting the exchange of knowledge and experience with his colleagues and with students and by participating in the Order's continuing training courses and activities.

CHAPTER IV CONDITIONS, OBLIGATIONS AND RESTRICTIONS RESPECTING ADVERTISING

48. A radiology technologist may not, by any means whatsoever, engage in or allow the use of advertising that is false, deceptive, incomplete or liable to be misleading.

49. A radiology technologist may not claim to possess specific qualities or skills, in particular with regard to his level of competence or the scope or efficacy of his services, unless he can substantiate such claim.

50. A radiology technologist may not engage in advertising that denigrates or discredits another person, either directly or indirectly.

51. All advertising shall indicate the name and professional title of the radiology technologist.

52. A radiology technologist may not, in any way whatsoever, engage in or allow the use of advertising intended to exploit or abuse persons who may be physically or emotionally vulnerable.

53. A radiology technologist who advertises the cost of his services shall do so in a manner that is understandable to persons who have no particular knowledge of radiology and shall:

(1) keep the amounts in force for the time advertised, which may not be less than 30 days after the date of the last broadcast or publication;

(2) specify the services included in those amounts;

(3) indicate whether or not other costs are included in the amounts;

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

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

54. A radiology technologist shall keep a complete copy of every advertisement in its original form for a period of two years following the date of its last broadcast or publication. That copy shall be given to the syndic upon request.

55. The Order is represented by a graphic symbol. Where a radiology technologist uses the symbol in his advertising, he shall ensure that it is a true copy of the original held by the secretary of the Order.

56. Where a radiology technologist uses the logo of the Order in an advertisement, except on a business card, he shall include the following notice in that advertisement:

“This advertisement is not an advertisement of the Ordre des technologues en radiologie du Québec and does not commit its liability.”.

57. This Regulation replaces the Code of ethics of radiology technologists (R.R.Q., 1981, c. T-5, r.4) and the Regulation respecting advertising by radiology technologists (R.R.Q., 1981, c. T-5, r.9).

58. 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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Gouvernement du Québec

O.C. 794-98, 10 June 1998

Health Insurance Act
(R.S.Q., c. A-29)

General practitioners
— **Different remuneration**
— **Amendments**

Regulation to amend the Regulation respecting different remuneration for general practitioners during the first years of practice of their profession

WHEREAS under the first paragraph of section 19 of the Health Insurance Act (R.S.Q., c. A-29), the Minister may, with the approval of the Government, enter into an agreement with the representative organizations of any class of health professionals for the purposes of that Act;

WHEREAS under the fifth paragraph of that section, such agreement may provide for a different remuneration for physicians in the first years of practising their profession or specialty under the plan, according to the territory where they practise or the type of activities they carry on;

WHEREAS under the seventh paragraph of that section, failing an agreement to determine the different remuneration, the Government may fix the remuneration by a regulation which shall be in lieu of an agreement and may likewise determine the number of years of a physician's practice during which the different remuneration will apply, which shall not exceed three years;

WHEREAS under subparagraph *w* of the first paragraph of section 69 of the Health Insurance Act, the Government may, after consultation with the Board or upon its recommendation, make regulations to provide for a different remuneration for physicians in the first years of practising their profession or specialty under the plan, according to the territory where they practise or the type of activities they carry on;

WHEREAS by Order in Council 1781-93 dated 8 December 1993, the Government made the Regulation respecting different remuneration for general practitioners during the first years of practice of their profession and it is expedient to amend it;

WHEREAS under section 69.0.2 of the Health Insurance Act, regulations adopted under subparagraph *w* or *x* of the first paragraph of section 69 are not subject to the provisions concerning the obligation of publication and the date of coming into force which are set out in sections 8 and 17 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS the Régie de l'assurance-maladie du Québec has been consulted in respect of those amendments;

WHEREAS it is expedient to make the Regulation;

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