

30.3. For the purposes of section 60.6 of the Professional Code, a dietitian who agrees to the correction shall issue to the client, free of charge, a copy of the document so that the client may see the corrected or deleted information or, as the case may be, an attestation that the client's comments have been filed in the record.

The client may require the dietitian to send, without charge, a copy of any corrected information, or an attestation that outdated or irrelevant information has been deleted, to the person from whom the dietitian received the information or to any other person to whom the information was communicated.

30.4. A dietitian who holds information referred to in a request for access or correction shall, if he denies the request, keep the information for as long as necessary to allow the client to exhaust his recourses under the law.

30.5. A dietitian shall promptly return, upon request by a client, any document entrusted to him by the client.”.

3. Section 41 is amended by substituting the following:

“**41.** The Ordre professionnel des diététistes du Québec is represented by a graphic symbol identical to the original held by the secretary of the Order.

A dietitian who reproduces the Order's graphic symbol for advertising purposes shall ensure that it is identical to the original held by the secretary of the Order.

A dietitian who uses the Order's graphic symbol in a statement or advertisement, except for business cards showing that he is a member of the Order, must include a warning to the effect that the statement or advertisement, as the case may be, does not emanate from and is not binding upon the Ordre professionnel des diététistes du Québec.”.

4. Section 43 is amended by adding the words “in such manner as to mislead the public or create a false impression” at the end of paragraph 2.

5. 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. 451-99, 21 April 1999

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

**Respiratory therapists
— Code of ethics**

Code of ethics of respiratory therapists of Québec

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 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 the members of the order.

WHEREAS the Bureau of the Ordre professionnel des inhalothérapeutes du Québec adopted the Code of ethics of respiratory therapists of Québec, replacing the Code of ethics approved by Order in Council 556-88 dated 20 April 1988;

WHEREAS under section 95.3 of the Professional Code, a draft of the 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), the Regulation was published, in draft form, in Part 2 of the *Gazette officielle du Québec* of 22 October 1997, with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following its publication;

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

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Code of ethics of respiratory therapists of Québec

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

DIVISION I DUTIES AND OBLIGATIONS TOWARD THE PUBLIC

1. This code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties of all members of the Ordre professionnel des inhalothérapeutes du Québec.

2. A respiratory therapist shall support every measure likely to improve the quality and availability of respiratory therapy professional services.

3. A respiratory therapist shall take into account all foreseeable consequences to public health liable to result from his research and work.

4. A respiratory therapist shall practise his profession in accordance with the highest possible standards, and shall maintain and perfect his knowledge and skills to this end. A respiratory therapist shall furthermore seek to improve his attitudes and correct them if necessary.

5. A respiratory therapist shall promote measures of education and information relevant to respiratory therapy. He shall also perform those acts necessary to ensure such education and information.

DIVISION II DUTIES AND OBLIGATIONS TOWARD CLIENTS

§1. *General provisions*

6. Before performing a professional act, a respiratory therapist shall take into account the limitations of his knowledge, abilities, and means at his disposal.

7. A respiratory therapist shall at all times respect a client's wish to consult another member of the Order or a member of another professional order.

8. A respiratory therapist shall refrain from practising his profession under conditions or in situations likely to impair the quality of his services or the dignity of the profession.

9. A respiratory therapist shall endeavour to establish a relationship of mutual trust between himself and his client. To this end, he shall deliver his services in a personalised manner.

§2. *Integrity*

10. A respiratory therapist shall discharge his professional duties with integrity.

11. If the client's welfare so requires, the respiratory therapist shall consult a member of the Order or a member of another professional order or refer him to one of these persons.

§3. *Availability and diligence*

12. A respiratory therapist shall demonstrate reasonable availability and diligence.

13. In addition to opinion and advice, a respiratory therapist shall provide his client with the explanations necessary to understand and appreciate the services rendered.

14. Before ceasing to perform his duties on behalf of a client, a respiratory therapist shall ensure that the termination of services is not prejudicial to the client.

15. A respiratory therapist shall not refuse to render services where the client's life is in danger.

§4. *Independence and impartiality*

16. A respiratory therapist shall subordinate his personal interests to those of his client.

17. A respiratory therapist shall ignore any intervention by a third party that might influence the performance of his professional duties to the detriment of his client.

18. A respiratory therapist shall refrain from intervening in his client's personal affairs on questions that are not within the scope of his professional competence.

19. A respiratory therapist shall safeguard his professional independence at all times, and shall avoid any situation in which he could be in conflict of interest.

§5. *Liability*

20. In the practice of his profession, a respiratory therapist shall assume full civil liability. He is thus prohibited from including in a contract for professional services any clause that directly or indirectly excludes all or part of such liability.

§6. *Professional secrecy*

21. A respiratory therapist is bound by professional secrecy in accordance with section 60.4 of the Professional Code.

22. A respiratory therapist shall avoid all indiscreet conversation about a client or services rendered to a client.

§7. *Accessibility of, and corrections to, records*

23. Where a respiratory therapist exercises his profession for 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 and Inuit Native Persons (R.S.Q., c. S-5), he shall respect the rules of accessibility and correction of files provided for in such acts.

24. Access to information contained in a record is free for the purposes of section 60.5 of the Professional Code. Nevertheless, fees not exceeding the costs of transcription, reproduction, or transmission may be charged to the client. A respiratory therapist who intends to charge fees under this section must inform the client of the amount that will be charged before transcribing, reproducing, or transmitting the information.

25. A respiratory therapist who has in his possession a record in respect of which a request for access or correction has been made must accede to such request with due diligence and not later than 20 days after receipt thereof.

26. A respiratory therapist who grants a request for correction pursuant to section 60.6 of the Professional Code shall, without charge, deliver to the client a copy of all information that has been changed or added or, as the case may be, a certification that information has been deleted.

The client may require the respiratory therapist to transmit a copy of the information or certification, as the case may be, to the person from whom such information was obtained or to any other person to whom such information was given.

27. A respiratory therapist who refuses to grant a request for access or correction shall notify the client in writing, giving reasons and informing him of his recourses.

28. A respiratory therapist who has information in respect of which a request for access or correction has been denied shall continue to keep such information during such time as will allow the client to exhaust his recourses under the law.

29. A respiratory therapist shall, with due diligence, deliver to a client who so requests all documents entrusted to him by the client.

§8. *Determination and payment of fees*

30. A respiratory therapist shall only charge or accept fees that are fair and reasonable, warranted under the circumstances, and proportional to the services rendered.

31. In determining his fees, a respiratory therapist shall, in particular, take the following factors into account:

- (1) his experience;
- (2) the time required to execute the professional service;
- (3) the degree of difficulty and importance of the service;
- (4) the performance of unusual services or services requiring exceptional competence or speed.

32. A respiratory therapist shall provide his client with all the explanations the client needs to understand the statement of fees and method of payment.

33. Insofar as possible, a respiratory therapist shall inform his client of the anticipated cost of his services before rendering them.

34. A respiratory therapist shall refrain from demanding advance payment of his fees. He may, however, by written agreement with the client, require payment on account to cover disbursements that are necessary for the execution of the required professional services.

35. A respiratory therapist shall not charge interest on outstanding accounts without first duly notifying his client. The rate of interest charged must be reasonable.

36. Before having recourse to legal proceedings, a respiratory therapist must have exhausted all other means at his disposal for obtaining payment of his fees.

37. Where a respiratory therapist entrusts the collection of his fees to another person, he shall ensure that such person acts with tact and moderation.

DIVISION III DUTIES AND OBLIGATIONS TOWARD THE PROFESSION

§1. Derogatory acts

38. In addition to the acts mentioned in sections 59 and 59.1 or acts that might be in breach of section 59.2 of the Professional Code, the following constitute acts that are derogatory to the dignity of the profession:

(1) practising the profession while under the influence of alcohol, drugs, hallucinogens, narcotics, anaesthetics, or any other substance liable to compromise the quality of his services or the client's safety;

(2) voluntarily abandoning a client who requires supervision, or refusing to provide care without sufficient cause and without ensuring competent relief in those cases where he can reasonably do so;

(3) ignoring or changing a medical prescription;

(4) entering false information into a client's record, or inserting notes under another person's signature;

(5) altering notes previously entered into a client's record, or replacing any part thereof with the intention of falsifying them;

(6) urging someone repeatedly or insistently, whether personally or through a partnership, group, association, legal person, or another natural person, to use his professional services;

(7) using confidential information to the detriment of a client with a view to obtaining a direct or indirect benefit for himself or another person;

(8) sharing his fees with another person who is not a member of the Order;

(9) receiving, paying, or undertaking to pay any benefit, rebate, or commission in connection with the practice of his profession, other than the remuneration to which he is entitled;

(10) failing to report to the Order, without delay, any person appropriating the title of respiratory therapist.

§2. Relations with the Order, colleagues, and other professionals

39. A respiratory therapist whose participation on a committee is requested by the Order shall accept that duty insofar as it is possible for him to do so.

40. A respiratory therapist shall reply promptly to all correspondence from the Order, and in particular, from the syndic or an assistant syndic, an expert appointed to assist the syndic, the professional inspection committee or one of its members, an inspector, an investigator, or a committee expert, whenever any such person requests information or explanations concerning any matter relating to the practice of the profession.

41. A respiratory therapist shall not, in respect of any person with whom he has dealings in the exercise of his profession, notably another member of the Order or a member of another professional order, betray such person's good faith or be guilty of breach of trust or disloyal practices in his regard.

In particular, a respiratory therapist shall not take credit for work done by another person.

42. A respiratory therapist shall give his opinion and recommendations within a reasonable time when consulted by a member of the Order.

§3. Contribution to the advancement of the profession

43. A respiratory therapist shall, insofar as he is able, contribute to the development of his profession by sharing his knowledge and experience with colleagues

and students and by taking part in the activities, courses, and refresher training periods organized by members of the Order.

DIVISION IV CONDITIONS, RESTRICTIONS, AND OBLIGATIONS IN RESPECT OF ADVERTISING

44. In all advertising, a respiratory therapist shall indicate his name and his title of respiratory therapist.

45. A respiratory therapist may mention in his advertising any information liable to help the public make a wise choice and to favour access to useful or necessary services.

46. A respiratory therapist shall avoid all advertising that may discredit the image of the profession.

47. No respiratory therapist shall directly or indirectly advertise in such a way as to denigrate or discredit another person, or disparage a service or product provided by such other person.

48. No respiratory therapist shall engage in, or allow the use of, by any means whatever, advertising that is false, misleading, incomplete, or liable to mislead, or that plays on the emotions of the public.

49. No respiratory therapist shall advertise or allow advertising in such a way as to possibly unduly influence persons who may be physically or emotionally vulnerable because of their age, their state of health, or the occurrence of a specific event.

50. A respiratory therapist shall not claim to possess specific qualities or skills, or make representations, particularly in respect of his level of competence or the range or effectiveness of his services and services generally rendered by other members of the Order, unless he can substantiate such claims.

51. A respiratory therapist who advertises fees or prices shall do so in a manner that can be understood by members of the public who have no special knowledge of respiratory therapy and he shall

(1) set fixed fees or prices;

(2) specify the nature and scope of the services included in the fees or prices;

(3) indicate whether additional services or products may be required that are not included in the fees or prices;

(4) indicate whether expenses or other disbursements are included in the fees or prices.

The fees or prices must remain in effect for a period of at least 90 days following the date of the last broadcast or publication of the advertisement. However, a lower price may always be agreed upon with a client.

52. When advertising a discount on fees or prices, a respiratory therapist shall state the regular prices and the period during which such discount is valid. This period may be shorter than 90 days.

53. A respiratory therapist shall keep a complete copy of every advertisement in its original form for a period of five years following the date of its last broadcast or publication. This copy must be submitted to the secretary or the syndic of the Order upon request.

54. A respiratory therapist practising in partnership is solidarily liable with the other professionals for ensuring observance of the rules respecting advertising, unless he can establish that the advertising was done without his knowledge or consent and in spite of measures taken to ensure observance of these rules.

DIVISION V USE OF THE GRAPHIC SYMBOL OF THE ORDER

55. Where a respiratory therapist reproduces the graphic symbol of the Order for advertising purposes, he shall ensure that the symbol conforms to the original held by the secretary of the Order.

56. Where a respiratory therapist uses the graphic symbol of the Order for advertising purposes, he shall include the following warning in the advertisement, except on business cards:

“This advertisement does not originate from the Ordre professionnel des inhalothérapeutes du Québec and is the responsibility of its author solely.”

57. Where a respiratory therapist uses the graphic symbol of the Order for advertising purposes, including business cards, he shall not juxtapose or otherwise use the name of the Order, except to indicate that he is a member thereof.

58. This Regulation replaces the Code of ethics of respiratory therapists of Québec, approved by Order in Council 556-88 dated April 20, 1988.

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