

70. No notary shall, in his advertising, use or allow to be used any endorsement or statement of gratitude in his regard other than awards for excellence and other prizes received in recognition of a contribution or achievement the honour of which is reflected on the profession as a whole.

71. A notary who advertises professional fees or prices must do so in a manner easily comprehensible by a public having no particular knowledge of the law, and must

(1) maintain such fees for the period of time indicated in the advertisement, which period must not be less than 60 days following the last authorized broadcast or publication;

(2) indicate the services covered by the fees;

(3) indicate whether or not disbursements or taxes are included.

72. No notary shall, in any way whatsoever in a declaration or advertisement, give more importance to fees and prices than to the professional service offered.

73. All the partners in a partnership are responsible for complying with the rules respecting advertising, unless the advertisement clearly indicates the names of one or more persons who are responsible.

#### CHAPTER V PARTNERSHIP NAME AND GRAPHIC SYMBOL

74. Except as provided in section 75, only the names of partners who practise together may be included in the name of a partnership of which a notary is a member.

The partnership name may end with the words “and Associates” where the names of at least two partners do not appear in the partnership name.

75. Where a notary retires from a partnership or dies, his name must no longer appear in the partnership name or partnership advertising after one year following retirement or death unless an agreement to the contrary has been entered into with him or with his successors and assigns.

76. Where a notary uses the graphic symbol or the coat of arms of the Order for advertising purposes, he must ensure that they are associated with his name or the name of his partnership and that they are identical to the original held by the Secretary of the Order.

77. Where a notary uses the graphic symbol or the coat of arms of the Order in an advertisement, he must ensure that it is clear that the advertisement does not originate from, and is not binding on, the Chambre des notaires du Québec.

#### CHAPTER VI FINAL PROVISIONS

78. This Regulation replaces the Code of ethics of notaries (R.R.Q., 1981, c. N-2, r. 3)

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

4782

### Draft Regulation

Nurses Act  
(R.S.Q., c. I-8)

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

#### Nurses — 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 infirmières et infirmiers du Québec made the Code of ethics of nurses.

The Regulation, the text of which is attached below, will be examined by the Office des professions du Québec pursuant to section 95 of the Professional Code. It will then be submitted, with the recommendation of the Office, to the Government 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 nurses as regards the obligations of nurses towards the public, clients and the profession. In light of the foregoing, prohibited behaviour on the part of a nurse towards a client; proper behaviour during the therapeutic process; relations with persons with whom nurses interact in the practice of the profession; and businesses incompatible with the dignity or practice of the profession have all been clarified.

The Regulation also has the purpose to render the wording of certain provisions of the Code of ethics consistent with the wording of the Professional Code, and introduce provisions respecting accessibility and corrections of information contained in records.

According to the Bureau of the Ordre des infirmières et infirmiers du Québec, the updating of the Code of ethics was necessary in order to clarify nurses' ethical obligations, so as to ensure better protection of the public. The Bureau foresees no other impact on businesses, in particular small and medium-sized businesses.

Further information concerning the Regulation may be obtained by contacting France Pedneault, Legal Services Department, Ordre des infirmières et infirmiers du Québec, 4200, boulevard Dorchester Ouest, Montréal, H3Z 1V4; telephone: (514) 935-2501; fax: (514) 935-3147.

Any person having comments to make on the Regulation is asked to send them, before the expiry of the 45 days period, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> 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 infirmières et infirmiers 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 nurses

Nurses Act  
(R.S.Q., c. I-8)

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

### CHAPTER I GENERAL PROVISIONS

1. This Code governs, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties of nurses toward the public, clients and the profession.

It sets out, in particular, certain acts which are derogatory to the honour and dignity of the profession, certain professions, trades, industries, businesses, offices or duties which are incompatible with the dignity or practice of the profession, certain provisions to preserve profes-

sional secrecy, conditions and procedures applicable to the exercise of the rights of access and correction and provisions concerning the obligation to release documents to clients, and certain conditions, obligations and prohibitions relating to advertising.

2. In this Code, unless the context indicates otherwise, the following words mean:

(1) nurse: a person entered on the roll of the Ordre des infirmières et infirmiers du Québec;

(2) client: a person who receives professional services from a nurse;

(3) profession: the profession of nurse.

3. The duties set out in this Code of Ethics are imperative and of public order. A nurse may not derogate from these duties.

## CHAPTER II DUTIES TOWARD THE PUBLIC, CLIENTS AND THE PROFESSION

### DIVISION I ACTS DEROGATORY TO THE HONOUR AND DIGNITY OF THE PROFESSION

4. In addition to the derogatory acts set out in sections 59 to 59.3 of the Professional Code and as may be determined pursuant to subparagraph (1) of the second paragraph of section 152 of the Professional Code, the violation of a duty set out in Divisions II to VII of this Chapter is an act derogatory to the honour and dignity of the profession.

### DIVISION II DUTIES INHERENT TO THE PRACTICE OF THE PROFESSION

#### § 1. General provisions

5. A nurse shall come to the aid of anyone whose life is in peril, either personally or by calling for aid, by giving necessary and immediate assistance to that person, except in the event of danger to the nurse or a third party, or unless the nurse has another valid reason.

6. A nurse may not refuse to provide professional services to a person on the basis of race, colour, sex, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap.

7. A nurse shall not perform any act or behave in any manner that is contrary to what is generally admissible in the practice of the profession.

8. In relation with the care and treatment provided to a client, a nurse may not use or dispense products or methods that could be harmful to health or miracle treatments, nor may a nurse consult, collaborate with or refer a client to a person who uses or dispenses such products, methods or miracle treatments.

9. A nurse shall respect the right of the client to consult another nurse, another health professional or any other person of the client's choice.

10. A nurse who is informed of the holding of an inquiry or who has been served with a complaint concerning her or his professional conduct or competence shall not harass, intimidate or threaten the person who requested the holding of the inquiry or any other person implicated in the events related to the inquiry or complaint.

11. A nurse shall take into account all of the foreseeable consequences that her or his research and work will have for society, human life and health.

## § 2. Integrity

12. A nurse shall fulfill her or his professional duties with integrity.

13. A nurse shall not abuse the trust of her or his client.

14. A nurse who makes an error shall declare the error and not attempt to conceal it.

When an error has or could have consequences for the client's health, the nurse shall promptly take the necessary measures to correct her or his error or minimize or offset its consequences.

15. A nurse shall not appropriate drugs, narcotic or anesthetic preparations, supplies of any kind or any other property belonging to a person with whom she or he interacts in the practice of the profession.

16. A nurse shall not, in respect of a client's record or any other report, file or other document related to the profession:

(1) falsify same, in particular by altering any notes already entered therein or by inserting any notes under a false signature;

(2) fabricate any records, reports, files or documents;

(3) enter therein any false information;

(4) fail to enter therein any necessary information.

17. A nurse shall refrain from expressing or giving conflicting, incomplete or groundless opinions or advice. To that end, the nurse shall attempt to acquire thorough knowledge of the facts before giving an opinion or advice.

## § 3. Condition liable to impair the quality of care and services

18. In addition to the circumstances contemplated by section 54 of the Professional Code, a nurse shall refrain from practising her or his profession in a state that is liable to impair the quality of care and services.

Without limiting the generality of the foregoing, a nurse is in a state that is liable to impair the quality of care and services if she or he is under the influence of alcoholic beverages, drugs, hallucinogens, narcotic or anesthetic preparations or any other substance which may cause intoxication, a diminution or disruption of the faculties or unconsciousness.

## § 4. Competence

19. A nurse shall act competently in fulfilling her or his professional duties.

20. A nurse shall keep her or his professional knowledge and skills up to date in order to provide safe care and treatment in accordance with generally accepted standards of practice.

21. If the client's condition so requires, a nurse shall consult another nurse, another health professional or another competent person or refer the client to one of such persons.

## § 5. Professional independence and conflict of interest

22. A nurse shall subordinate her or his personal interest to that of her or his client.

23. A nurse shall safeguard her or his professional independence at all times. In particular, a nurse shall practise her or his profession with objectivity and disregard any intervention by a third party that could affect the performance of her or his professional duties to the detriment of the client.

24. A nurse shall not induce any person in pressing terms to make use of her or his professional services.

25. A nurse shall avoid any situation in which she or he would be in conflict of interest. Without limiting the generality of the foregoing, a nurse is in a conflict of interest situation:

(1) when the interests concerned are such that the nurse may be influenced to favour certain of them over those of her or his client or the nurse's judgment and loyalty toward her or his client may be unfavourably affected;

(2) when the nurse receives, in addition to the remuneration to which she or he is entitled, any rebate, commission or benefit related to her or his professional activities;

(3) when the nurse pays, offers to pay or undertakes to pay any rebate, commission or benefit related to her or his professional activities.

26. In the event of conflict of interest or the appearance of conflict of interest, a nurse shall take reasonable measures to ensure that care and treatment are provided by another nurse, unless the situation requires that the nurse administer or continue to administer care or treatment. In such circumstances, the client shall be notified of the situation, to the extent permitted by the circumstances.

#### *§ 6. Availability and diligence*

27. In the practice of her or his profession, a nurse shall display due diligence and availability.

28. A nurse who is consulted by another nurse owing to her or his specific knowledge and skill in a given area shall provide the latter with her or his opinion and recommendations within a reasonable time.

29. Before ceasing to perform her or his duties for the account of a client, a nurse shall ensure that such termination of service is not detrimental to the client.

#### *§ 7. Civil liability*

30. A nurse may not be released from personal civil liability in the practice of her or his profession.

In particular, a nurse is prohibited from inserting any clause directly or indirectly excluding such liability, in whole or in part, or from being a party to a contract for professional services containing any such clause.

#### *§ 8. Contribution to the profession*

31. A nurse shall, to the extent that she or he is able, exchange knowledge with other nurses, nursing students and candidates for the profession.

### **DIVISION III** **RELATIONSHIP BETWEEN THE NURSE AND THE CLIENT**

#### *§ 1. Relationship of trust*

32. A nurse shall seek to establish a relationship of trust with her or his client.

33. A nurse shall take a respectful approach toward the client and the client's spouse, family and significant others.

34. A nurse shall respect the client's values and personal convictions.

#### *§ 2. Provisions to preserve the secrecy of confidential information*

35. A nurse shall preserve the secrecy of confidential information that becomes known to her or him in the practice of her or his profession.

36. A nurse may be released from the obligation of professional secrecy only with the authorization of her or his client or where so ordered by law.

37. A nurse shall not disclose the fact that a person had recourse to her or his services when that fact is liable to be prejudicial to that person.

38. A nurse shall take reasonable measures to ensure that persons under her or his authority or supervision or in her or his employ do not disclose any confidential information concerning the client.

39. A nurse shall not make use of confidential information to the detriment of a client or with a view to obtaining, directly or indirectly, a benefit for herself or himself or for another person.

40. Whenever a nurse asks a client to disclose confidential information or whenever she or he permits such information to be disclosed to her or him, she or he shall ensure that the client knows the reasons therefor and the purpose for which the information will be used.

41. A nurse shall refrain from holding or participating in indiscreet conversations concerning a client and the services rendered to such client.

#### *§ 3. Prohibited behaviour*

42. A nurse shall not use physical, verbal or psychological abuse against the client.

43. For the duration of the professional relationship, a nurse may not establish a personal friendship or an intimate, amorous or sexual relationship with the client.

44. A nurse shall refrain from intervening in the personal affairs of her or his client on subjects not falling within her or his areas of professional expertise.

#### **DIVISION IV** QUALITY OF CARE AND SERVICES

##### *§ 1. Information and consent*

45. A nurse shall provide her or his client with all the explanations necessary for the client's comprehension of the care and services being provided to him or her by the nurse.

46. When a nurse is obliged to obtain a free and enlightened consent, she or he shall provide the client with all the information required for that purpose.

##### *§ 2. The therapeutic process*

47. In the course of performing her or his duties, a nurse shall take reasonable measures to ensure the safety of clients. To that end, the nurse shall refer to the appropriate authorities when necessary.

48. A nurse who is providing care and treatment to a client may not abandon him or her without a serious reason.

49. A nurse shall not be negligent in the care and treatment provided to the client. In particular, a nurse shall:

(1) intervene promptly when the client's state of health so requires;

(2) ensure the supervision required by the client's state of health;

(3) take reasonable measures to ensure the continuity of care and treatment.

50. A nurse shall not be negligent when administering medication. In particular, when administering medication, a nurse shall have sufficient knowledge of the medication and abide by the principles and methods applicable to its administration.

##### *§ 3. Collaboration*

51. A nurse may not refuse to collaborate with health professionals engaged in providing care, treatment or services necessary for the client's welfare.

#### **DIVISION V** RELATIONS WITH PERSONS WITH WHOM THE NURSE INTERACTS IN THE PRACTICE OF THE PROFESSION

52. A nurse shall not intentionally mislead, betray the good faith of, or engage in unfair practices toward, a person with whom she or he interacts in the practice of the profession.

53. A nurse shall not harass, intimidate or threaten a person with whom she or he interacts in the practice of the profession.

#### **DIVISION VI** RELATIONS WITH THE ORDER

54. Unless she or he has serious grounds for refusing, a nurse shall participate or permit participation in a committee on discipline, a review committee, a professional inspection committee, an arbitration of accounts or any other committee provided for by law, upon request of the Order.

55. A nurse shall cooperate and respond as soon as possible to any request received from the secretary of the Order, the syndic of the Order, an assistant syndic or an investigator, inspector or member of the professional inspection committee.

56. A nurse may not permit, assist or encourage any person who is not entered on the roll of the Order to practise the profession.

#### **DIVISION VII** DETERMINATION AND PAYMENT OF FEES

57. A nurse shall require and accept fair and reasonable fees.

Fees are considered fair and reasonable if they are justified by the circumstances, in proportion to the professional services rendered and take into account, in particular,

(1) the nurse's experience;

(2) the time spent in performing the professional service;

(3) the difficulty and extent of the service; and

(4) the performance of unusual services or services requiring exceptional competence or speed.

58. A nurse may not claim fees that are unwarranted, in particular for performing services that she or he knew or should have known were unnecessary or disproportionate to the client's needs.

59. A nurse may share her or his fees with another nurse only to the extent that such division corresponds to a division of responsibilities and services.

60. A nurse shall provide her or his client with all the explanations required for the comprehension of the nurse's statement of fees and of the terms and conditions of payment.

61. A nurse may require payment only for services rendered or products delivered, but shall inform her or his client in advance of the approximate cost of her or his professional services.

62. A nurse may collect interest on outstanding accounts only after having duly notified her or his client. The interest so charged shall be at a reasonable rate.

63. A nurse shall refrain from selling her or his accounts, except to another nurse or unless the client consents thereto.

#### **DIVISION VIII**

#### **CONDITIONS AND PROCEDURES APPLICABLE TO THE EXERCISE OF THE CLIENT'S RIGHTS OF ACCESS AND CORRECTION OF INFORMATION CONTAINED IN RECORDS ESTABLISHED IN RESPECT OF HIM OR HER**

##### *§ 1. General provisions*

64. A nurse who practises her or his profession in an organization 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), by the Act respecting health services and social services (R.S.Q., c. S-4.2) or by the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5) shall abide by the rules relating to accessibility and correction of records set out in the said acts and facilitate their application.

65. A nurse may require that a request covered by sections 66, 69 or 72 of this code be made in writing and that the right be exercised at her or his professional domicile during her or his ordinary working hours.

*§ 2. Conditions and procedures applicable to the exercise of the client's right of access to information contained in records established in respect of him or her*

66. A nurse shall respond, with diligence and no later than 20 days following receipt thereof, to any request made by her or his client to examine or obtain a copy of the information concerning the client in any record established in respect of the client.

67. Access to the information contained in a record shall be free of charge. However, a nurse may charge her or his client a reasonable fee for the reproduction, transcription or transmission of such information.

A nurse who intends to charge such fee shall, prior to reproducing, transcribing or transmitting the information, inform the client of the approximate amount that the client will be called upon to pay.

68. A nurse may refuse to allow the client access to information contained in a record established in respect of the client where the disclosure of such information would be likely to cause serious harm to the client or a third party. In such event, the nurse shall notify the client accordingly in writing.

*§ 3. Conditions and procedures applicable to the exercise of the client's right of correction of information contained in records established in respect of him or her*

69. A nurse shall respond, with diligence and no later than 20 days following receipt thereof, to any request made by her or his client to:

(1) cause to be corrected any information that is inaccurate, incomplete or ambiguous having regard for the purpose for which it was collected, contained in a document concerning the client included in any record established in respect of the client;

(2) cause to be deleted any information that is outdated or not justified by the object of the record established in respect of the client;

(3) file in the record established in respect of the client the written comments prepared by the client.

70. A nurse who grants a request covered by section 69 of this Code shall issue to the client, free of charge, as the case may be:

(1) a copy of the document or portion thereof allowing the client to determine that the information has been corrected;

(2) an attestation that information has been deleted;

(3) an attestation that written comments have been filed in the record.

**71.** Upon written request of the client, a nurse shall transmit, free of charge, to any person who had transmitted to the nurse the information contemplated by section 69 of this Code as well as any person to whom such information was communicated, as the case may be:

(1) a copy of the corrected information;

(2) an attestation that information has been deleted;

(3) an attestation that written comments have been filed in the record.

*§ 4. Obligation of the nurse to release documents to the client*

**72.** A nurse shall, with diligence, release to a client who so requests any document entrusted by the client to the nurse and shall indicate in the client's file, as appropriate, the reasons for the request.

**DIVISION IX**  
CONDITIONS, OBLIGATIONS AND  
PROHIBITIONS RELATING TO ADVERTISING

**73.** A nurse shall avoid all advertising likely to tarnish the image of the profession.

**74.** A nurse may not associate or permit the association of her or his name with her or his professional title in an advertisement directed at the public for the purpose of promoting the sale of any medication, medical product, product or method that could be harmful to health or miracle treatment.

**75.** A nurse may not, in any way whatsoever, engage in or permit advertising that is false, misleading or incomplete with regard to the professional services that she or he provides or will be called upon to provide.

**76.** A nurse who, in her or his advertising, claims to possess specific qualities or skills must be able to demonstrate them.

**77.** In her or his advertising, a nurse may not compare the quality of her or his services with the quality of the services provided or that may be provided by other nurses, and may not discredit or denigrate such services.

**78.** In her or his advertising, a nurse may not use or permit the use of an endorsement or statement of gratitude concerning her or him.

The preceding paragraph does not prevent a nurse from mentioning in her or his advertising an award for excellence or any other prize in recognition of a specific contribution or achievement related to the profession.

**79.** A nurse may not engage in or permit advertising that is likely to unduly influence persons who may be physically or emotionally vulnerable because of their age or state of health or the occurrence of a specific event.

**80.** A nurse who advertises prices or fees for her or his professional services shall:

(1) establish fixed amounts;

(2) specify the services covered by these amounts;

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

(4) indicate whether additional services may be required and specify the cost thereof.

The fixed amounts shall remain in effect for a minimum period of 90 days after the last broadcast or publication of the advertisement.

A nurse may nevertheless agree with a client on a price lower than the one broadcast or published.

**81.** Any advertisement by a nurse must be of such a nature as to adequately inform persons who have no particular knowledge of the area of expertise referred to in the advertisement.

**82.** A nurse shall keep a copy of every advertisement put out by her or him for a period of at least 5 years following the date on which the advertisement was last published or broadcast. The copy shall be given to the secretary of the Order, the syndic of the Order, the assistant syndic or any investigator, inspector or member of a professional inspection committee who requests it.

**83.** A nurse who practises in partnership is solidarily responsible with the other nurses for complying with the rules respecting advertising, unless the advertisement clearly indicates the names of those responsible therefor or unless the nurse demonstrates that the advertisement was published or broadcast without her or his knowledge or consent or in spite of the measures taken to ensure compliance with those rules.

**DIVISION X**  
PROFESSIONS, TRADES, INDUSTRIES,  
BUSINESSES, OFFICES OR DUTIES  
INCOMPATIBLE WITH THE DIGNITY OR  
PRACTICE OF THE PROFESSION

**84.** A nurse may not trade, sell, engage or participate for profit in any distribution of medications, equipment or products related to her or his professional activities, except in the following cases:

1) where a sale of products is made in response to an immediate need of the client and is required for the care and treatment to be provided. In such case, the client shall be notified of any profit realized by the nurse upon the sale;

where the nurse's commercial activities are clearly distinguishable from her or his professional practice and where her or his professional title is not associated with the said commercial activities.

**85.** A nurse may not trade in products or methods that could be harmful to health or miracle treatments

**DIVISION XI**  
GRAPHIC SYMBOL OF THE ORDER

**86.** Where a nurse reproduces the graphic symbol of the Order for advertising purposes, she or he shall ensure that such reproduction is in conformity with the original held by the secretary of the Order.

**87.** Where a nurse uses the graphic symbol of the Order for advertising purposes elsewhere than on a business card, she or he shall include the following warning in the advertisement:

“This advertisement does not originate with the Ordre des infirmières et infirmiers du Québec and is binding on the author only.”

Where a nurse uses the graphic symbol of the Order for advertising purposes, including on a business card, she or he may not juxtapose thereto or otherwise use the name of the Order, except to indicate that she or he is a member thereof.

**CHAPTER III**  
FINAL PROVISIONS

**88.** This regulation replaces the Code of ethics of nurses (R.R.Q., 1981, c. I-8, r.4).

**89.** 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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