

Draft regulations

Draft Regulation

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

Dentists

— Code of ethics
— Amendments

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau de l'Ordre des dentistes du Québec, at its meeting held on the 26 of May 2001, made the Regulation to amend the Code of ethics of dentists.

The Regulation, the text of which appears below, will be examined by the Office des professions du Québec under section 95 of the Professionnal Code. Then, it will be submitted, along with the recommendation of the Office, to the Government who, under the same section, may approve it, with or without amendments, upon the expiry of 45 days following this publication.

The purpose of this Regulation is to update the Code of ethics of dentists concerning the duties and obligations of dentists towards patients.

This Regulation clarifies the rules applicable to dentists especially concerning requirements and executory provisions of the access right and rectification of the information included in the records of their patients, as well as the obligation to deliver them the documents.

According to the Ordre des dentistes du Québec,

(1) concerning protection of the public, this Regulation specifies the rights of patients regarding access to records, regarding the possibility to make rectifications to a record concerning them and, to obtain documents, in compliance with sections 60.5 and 60.6 of the Professionnal Code.

(2) this Regulation has no impact on small or medium-sized businesses or others.

Further information may be obtained on the proposed draft Regulation by contacting Dr. Diane Legault, Director General and secretary, Ordre des dentistes du Québec, 625, boulevard René-Lévesque Ouest, 15^e étage, Montréal (Québec) H3B 1R2; by telephone at (514) 875-8511 or at 1 800 361-4887; or by fax at (514) 393-9248.

Any person having comments to make 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. These 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 as well as to interested persons, departements and agencies.

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

Regulation modifying the Code of ethics of dentists *

Professional code
(R.S.Q., c. C-26, s. 87, pars. 4)

1. Section 3.07.01 of the Code of ethics of dentists is modified by the following:

“**3.07.01.** A dentist must respect the right of his patient to consult the documents that concern him in any record made in his regard.

The documents referred to in the first paragraph are those listed in the Regulation respecting the keeping of records by dentists.”

2. The Code of ethics of dentists is modified by adding the subsection 7 of division III that which follows:

“**3.07.02.** A dentist holding documents that are subject to a request for access by a patient, in the application of those rights referred to in section 60.5 of the Professional Code, must follow-up this request with diligence and within his normal business hours no later than thirty 30 days from the date of the request.

* The Code of ethics of dentists (R.R.Q., 1981, c. D-3, r. 4) was last amended by the Regulation made by Order in council 673-96 dated 5 June 1996 (1996, G.O. 2, 2729). For previous amendements, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November, 2000.

3.07.03. For the purpose of the application of sections 3.07.01 and 3.07.02, the access by a patient to documents contained in any record made in his regard by a dentist is free of charge. Nevertheless, expenses not exceeding the cost of their transcription, reproduction, transmission, as well as, the normal administrative charges can be requested from the patient. A dentist who intends to request payment of expenses in accordance with this section must inform the patient of the approximate amount before dealing with the request.

3.07.04. A dentist who in the application of the second paragraph of section 60.5 of the Professional Code refuses to allow access to information contained in a record made in his regard must divulge to his patient in writing the reasons for his refusal which would likely cause serious harm to the patient or a third person.

3.07.05. In addition to the specific rules prescribed by law, a dentist must follow-up with diligence and no later than thirty 30 days of its receipt, any request made by his patient where the purpose is:

(1) to have corrected in a document that concerns him and that is included in any record made in his regard, information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected;

(2) to have deleted any outdated or not justified information by the object of the record made in his regard;

(3) to put into a record made in his regard the written comments that he made.

3.07.06. A dentist who acquiesces to a request referred to in section 3.07.05 must provide his patient, at no cost, a copy of the document or the part of the document that allows his patient to see that the information has been corrected or deleted or, according to the case, a testimony that the written comments that his patient made have been put in the record.

3.07.07. With a written request from his patient, a dentist must send a copy at no cost to his patient, of the corrected information or a testimony that the information has been deleted or, according to the case, that the written comments have been put in the record of any person that a dentist received information from for the object of correction, deletion or comments, as well as, any person to whom the information was communicated to.

3.07.08. A dentist must, with diligence, give to a patient, who requests the same from him, any document that the latter entrusted to him.”.

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

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Draft Regulation

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

Medical technologists — Issue of the permit — Replacement

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 respecting the issue of a permit of medical technologist in cytopathology, adopted by the Bureau of the Ordre des technologistes médicaux du Québec, 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 Order, the Regulation is intended to establish a permit category for the professional activities of members who work in cytopathology and who have the required training to do so, that is an attestation of college studies in cytotechnology.

This Regulation will have an important impact on citizens since it will establish controls for qualifications of medical technologists in cytopathology and will provide information on their academic training.

According to the Order, the Regulation will better regulate the practice of medical technologists in cytopathology by prescribing rules for the issue of permits.

Further information may be obtained by contacting Alain Collette, Director General and Secretary of the Ordre professionnel des technologistes médicaux du Québec, 1150, boul. Saint-Joseph Est, bureau 300, Montréal (Québec), H2J 1L5, telephone numbers: (514) 527-9811, 1-800-361-2996; fax number: (514) 527-7314.