

Gouvernement du Québec

O.C. 922-2002, 21 August 2002

Professional Code
(R.S.Q., c. C-26; 2001, c. 78)

Dentists
— Code of ethics
— Amendments

Regulation to amend the Code of ethics of dentists

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26; 2001, c. 78, s. 6), 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 the same section of the Professional Code, the code of ethics must contain, *inter alia*, 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 Code and provisions concerning a professional's obligation to release documents to his client;

WHEREAS the Bureau of the Ordre des dentistes du Québec adopted the Regulation to amend the Code of ethics of dentists;

WHEREAS, under section 95.3 of the Professional Code, amended by section 8 of chapter 34 of the Statutes of 2001, the secretary of the order sent the draft Regulation to every member of the order at least 30 days before its adoption by the Bureau;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 16 January 2002 with a notice that it would be submitted to the Government for approval with or without amendment upon the expiry of 45 days following the date of its publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions 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 Regulation to amend the Code of ethics of dentists, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of dentists*

Professional Code
(R.S.Q., c. C-26, s. 87, par. 4; 2001, c. 78, s. 6)

1. The following is substituted for Subdivision 7 of Division III of the Code of ethics of dentists:

“§7. *Accessibility and correction of records and release of documents*

3.07.01. In addition to the special rules prescribed by law, a dentist must respond with diligence and no later than 30 days after receipt thereof to any request from a patient whose purpose is

(1) to examine documents that concern that patient in any record established in respect of the patient; or

(2) to obtain a copy of the documents that concern that patient in any record established in respect of the patient.

3.07.02. A dentist who grants a request referred to in section 3.07.01 shall allow a patient access to documents free of charge. However, a dentist who receives a request referred to in paragraph 2 of section 3.07.01 may charge the patient reasonable fees not exceeding the cost for reproducing or transcribing documents or for transmitting a copy of documents.

The dentist shall notify the patient of the approximate cost before reproducing, transcribing or transmitting the requested information or copies.

3.07.03. A dentist who, pursuant to the second paragraph of section 60.5 of the Professional Code, refuses to allow a patient access to the information contained in a record established in respect of that patient shall inform the patient in writing of the reason for the refusal where the disclosure would be likely to cause serious harm to the patient or to a third person.

* 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 amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

3.07.04. In addition to the special rules prescribed by law, a dentist must respond with diligence and no later than 30 days after receipt thereof to any request from a patient whose purpose is

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

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

(3) to file the patient's written comments in the record established in respect of the patient.

3.07.05. A dentist who grants a request referred to in section 3.07.04 shall issue to the patient, free of charge, a copy of the document or part of the document so that the patient may see that the information was corrected or deleted or, as the case may be, an attestation that the patient's written comments were filed in the record.

Upon a patient's written request, a dentist shall forward free of charge a copy of that information or, as the case may be, of that attestation to any person from whom the dentist received the information and to any person to whom the information was provided.

3.07.06. A dentist must respond with diligence to any written request from a patient to take back a document entrusted to that dentist.

A dentist shall indicate in the patient's file, where applicable, the reasons that support the patient's request.

3.07.07. A dentist may require that a request referred to in section 3.07.01, 3.07.04 or 3.07.06 be made at the dentist's professional domicile during regular office hours."

2. 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. 923-2002, 21 August 2002

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

**Physiothérapeutes
— Integration of physical Rehabilitation Therapists**

Integration of Physical Rehabilitation Therapists into the Ordre professionnel des physiothérapeutes du Québec

WHEREAS, under the second paragraph of section 27.2 of the Professional Code (R.S.Q., c. C-26), the Government may, by order, integrate into a professional order referred to in Division III of Chapter IV of the Code, a group of persons to whom it considers necessary, for the protection of the public, to grant a reserved title, after consultation with the Office des professions du Québec, the Conseil interprofessionnel du Québec and the order concerned as well as with organizations, if any, that represent the group of persons concerned by the integration;

WHEREAS, in December 1995, the Office des professions du Québec released a notice to the Government on the recognition of physical rehabilitation therapists in which it recommended, namely, that physical rehabilitation therapists be recognized by the Professional Code by integrating them into the Ordre professionnel des physiothérapeutes du Québec;

WHEREAS, for the protection of the public, it is necessary to grant a reserved title to physical rehabilitation therapists;

WHEREAS the consultations required under the aforesaid provision were carried out;

WHEREAS, in accordance with the third paragraph of section 27.2 of the Code, a proposal for the integration of physical rehabilitation therapists into the Ordre professionnel des physiothérapeutes du Québec was published by the Minister responsible for the administration of legislation respecting the professions in Part 2 of the *Gazette officielle du Québec* of 10 April 2002, with a notice that the proposed integration would be examined by the Government upon the expiry of 60 days following such publication;

WHEREAS, following that publication, the chairman of the Office received comments and it is expedient to amend the integration proposal;