

6. Commissioners shall be clearly impartial and objective.

7. Commissioners shall perform their duties showing appropriate consideration towards everyone without discrimination.

8. Commissioners shall show respect and courtesy towards those appearing before them, while exercising the authority necessary for the proper conduct of the hearing.

9. Commissioners shall respect the confidentiality of deliberations.

10. Commissioners are bound to discretion regarding any matter brought to their knowledge in the performance of their duties and to respect the confidential nature of the information thus obtained.

11. Commissioners shall take the necessary measures to keep up-to-date and improve the knowledge and skills necessary to perform their duties.

12. Commissioners shall be reserved in public.

13. Commissioners shall avoid any situation or activity from which could arise a conflict between their personal interests and the requirements of their duties.

14. Commissioners shall disclose to the chair of the Board any direct or indirect interest that they have in a business likely to bring about conflict between their personal interests and the duties of their office.

15. Commissioners shall avoid getting involved in any activity or putting themselves in any situation likely to undermine the dignity of their office or discredit the Board.

16. Commissioners shall be politically neutral and shall not engage in any partisan political activity that is incompatible with the performance of their duties.

17. Commissioners may gratuitously perform duties within non-profit organizations insofar as they do not compromise their impartiality or the effective performance of their duties.

18. The following is incompatible with the performance of their duties :

(1) soliciting or collecting donations, except in the case of small-scale community, school, religious or family activities that do not compromise other duties imposed by this Code, or associating their status to those activities ; and

(2) being part of an organization likely to be involved in matters before the Board.

DIVISION III PROVISIONS SPECIFIC TO PART-TIME COMMISSIONERS AND SPECIAL CLERKS

19. Giving legal advice in fields within the expertise of the Board is incompatible with the performance of the duties of part-time commissioners or special clerks to the extent that their impartiality and the effective performance of their duties are compromised.

20. Part-time commissioners may not act on behalf of a party before the Board.

21. This Code shall apply, *mutatis mutandis*, to special clerks appointed under the Act respecting the Régie du logement.

DIVISION IV FINAL

22. This Code replaces the Code of Ethics for Commissioners of the Régie du logement made by Order in Council 1660-85 dated 5 June 1985.

23. 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. 1212-2002, 9 October 2002

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

Professional acts that may be performed by persons other than physicians and the applicable terms and conditions

Regulation respecting the professional acts that may be performed by persons other than physicians and the applicable terms and conditions

WHEREAS, under section 3 of the Medical Act (R.S.Q., c. M-9), subject to that Act, the Collège des médecins du Québec and its members shall be governed by the Professional Code (R.S.Q., c. C-26) ;

WHEREAS, under paragraph *h* of section 94 of the Code, the Bureau of a professional order may, by regulation, determine, among the professional acts that may be

engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph *i* of that section, and the terms and conditions on which such persons may engage in such acts;

WHEREAS, pursuant to the above-mentioned provision of the Code, the Bureau of the Collège des médecins du Québec, at its meeting of 26 February 1999, made the Regulation respecting the professional acts that may be performed by persons other than physicians and the applicable terms and conditions;

WHEREAS, under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of that Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting the professional order shall be transmitted to the Office des professions du Québec for examination; it shall be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that Regulation was published as a draft in Part 2 of the *Gazette officielle du Québec* of 5 May 1999, with a notice indicating that it would be submitted to the Government, which could approve it with or without amendment upon the expiry of 45 days following that publication and inviting any person having comments to make to send them, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec;

WHEREAS the Chair of the Office received comments following the publication of the Regulation;

WHEREAS the Office examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the professional acts that may be performed by persons other than physicians and the applicable terms and conditions, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting the professional acts that may be performed by persons other than physicians and the applicable terms and conditions

Professional Code
(R.S.Q., c. C-26, s. 94, par. *h*)

DIVISION I GENERAL

1. The purpose of this Regulation is to determine, among the professional acts that may be performed by physicians, those that may be performed by the following persons and to determine the applicable terms and conditions:

(1) medical students, that is, persons registered in a program of study leading to a diploma giving access to the permit or a specialist's certificate, and persons registered in such a program of study but within the scope of a host or exchange program approved by the faculty of medicine or by government authorities; and

(2) fellows, that is, persons serving periods of advanced education under a university program, in clinical medicine or research.

“Diploma giving access to the permit or a specialist's certificate” means a diploma recognized by government regulation as giving access to the permit referred to in section 33 of the Medical Act (R.S.Q., c. M-9) and to a specialist's certificate referred to in section 37 of that Act, made under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26).

2. The professional acts that may be performed by a resident in family medicine or in a specialty and the applicable terms and conditions are listed in the Regulation respecting additional terms and conditions for the issue of permits by the Collège des médecins du Québec and fixing standards of equivalence for certain of those terms and conditions, approved by Order in Council 143-2000 dated 16 February 2000, as well as the Regulation respecting the specialties within the medical profession, the additional terms and conditions for the issue of a specialist's certificate by the Collège des médecins du Québec and fixing standards of equivalence for certain of those terms and conditions, approved by Order in Council 144-2000 dated 16 February 2000.

“Resident in family medicine or in a specialty” means any person who holds a diploma giving access to the permit or a specialist's certificate or to whom the Bureau of the Collège des médecins du Québec has, pursuant to

subparagraph *g* of the first paragraph of section 86 of the Professional Code, recognized a diploma equivalence, who is registered in a postdoctoral university program in family medicine or a specialty and serving periods of training under that program.

DIVISION II MEDICAL STUDENTS

3. Medical students may perform, among the professional acts of a physician, those required to complete the program of study leading to a diploma giving access to the permit or a specialist's certificate, on the following conditions:

(1) they are entered in the register kept pursuant to paragraph *c* of section 15 of the Medical Act and, where applicable, hold a registration certificate issued in accordance with that Act; and

(2) they perform them in a training setting recognized by the faculty of medicine, under the supervision of competent persons and in compliance with the rules applicable to physicians, particularly those respecting ethics, the keeping of records and consulting rooms.

DIVISION III FELLOWS

4. Fellows may perform, among the professional acts of a physician, those required to complete periods of advanced education, on the following conditions:

(1) they are entered in the register kept pursuant to paragraph *c* of section 15 of the Medical Act;

(2) they perform them in the clinical or research sites where they serve their periods of advanced education, in compliance with what is mentioned on their educational card; and

(3) they perform them under the authority of competent persons and in compliance with the rules applicable to physicians, particularly those respecting ethics, prescriptions, the keeping of records and consulting rooms.

5. Fellows may not perform a professional act unless they meet the conditions for the issue of an educational card.

Fellows shall apply for an educational card in the form determined by the secretary.

6. The secretary shall issue an educational card to a fellow who

(1) holds a position within the meaning of a statutory instrument made under the Act respecting health services and social services (R.S.Q., c. S-4.2) to determine the conditions required to hold it;

(2) provides proof of admission to a university program in family medicine or a specialty and proof of an employment certificate from an institution participating in such a program;

(3) in the absence of a diploma giving access to the permit or a specialist's certificate,

(a) has passed the examinations prepared or approved by the Bureau of the Collège des médecins du Québec; and

(b) provides proof of admission to a host or exchange program approved by the faculty of medicine or by government authorities; and

(4) pays the fees prescribed for obtaining a trainee card.

7. The educational card shall show that the fellow is entered in the register kept for that purpose, the university program in which the fellow is registered, the training sites where the periods of advanced education are served and their duration. It shall bear a facsimile of the secretary's signature.

Furthermore, the educational card shall mention that periods of advanced education may also be served in any other setting not indicated on the card, provided that it is approved by the Bureau of the Collège des médecins du Québec.

8. The educational card shall be valid for 12 months, or until the date stipulated on it. However, it shall expire immediately if the fellow's registration in the university program is cancelled, if the fellow leaves the program or if the educational card is revoked in a case provided for in section 9.

The educational card is renewable on the same conditions until the periods of advanced education have been completed within the university program to which the fellow was admitted.

9. The following entails the revocation of the educational card:

(1) abandonment by the fellow of the university program under which the periods of advanced education are served or expulsion or suspension from the program;

(2) obtaining an educational card under false pretences;

(3) acting or behaving in such a way that the well-being or safety of the patients dealt with is compromised; or

(4) performing professional acts in contravention of the provisions of the Medical Act, the Professional Code or a regulation thereunder.

10. 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. 1213-2002, 9 October 2002

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

Physicians

— Code of ethics

Code of ethics of physicians

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), amended by section 6 of chapter 78 of the Statutes of 2001, the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the members of the Order towards the public, their clients and their profession;

WHEREAS the Bureau of the Collège des médecins du Québec made the Code of ethics of physicians to replace the Code of ethics of physicians (R.R.Q., 1981, c. M-9, r.4);

WHEREAS, under section 95.3 of the Professional Code, amended by section 8 of chapter 34 of the Statutes of 2001, a draft Regulation was sent to every member of the Order at least 30 days before it was made by the Bureau;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 27 March 2002 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 physicians, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Code of ethics of physicians

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

CHAPTER 1 GENERAL PROVISIONS

1. This Code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26; 2001, c. 78), the duties and obligations to be discharged by every member of the Collège des médecins du Québec.

2. A physician may not exempt himself, even indirectly, from a duty or obligation contained in this Code.

CHAPTER II GENERAL OBLIGATIONS OF THE PHYSICIAN

3. A physician's paramount duty is to protect and promote the health and well-being of the persons he attends to, both individually and collectively.

4. A physician must practise his profession in a manner which respects the life, dignity and liberty of the individual.

5. A physician must discharge his professional obligations with competence, integrity and loyalty.

6. A physician must practise his profession in accordance with scientific principles.

7. A physician must disregard any interference which does not respect his professional independence.

8. A physician must ensure that the persons he employs or with whom he is associated in the practice of his profession comply with this Code.