

Draft Regulation

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

Guidance counsellors and psychoeducators

— Code of ethics

— Amendment

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 to amend the Code of ethics of the members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, adopted by the Bureau of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, may be submitted to the Government for approval, with or without amendment, upon the expiry of 45 days following this publication.

The purpose of this Regulation is to amend the Code of ethics of the members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec to introduce provisions stating the terms and conditions according to which a professional may communicate information that is protected by professional secrecy to prevent an act of violence.

These provisions are required by the Act to amend various legislative provisions as regards the disclosure of confidential information to protect individuals (2001, c. 78). That Act permits the lifting of professional secrecy to prevent an act of violence, including a suicide, when the professional has grounds to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons. However, the communication must be limited to such information as is necessary to achieve the purposes for which the information is communicated, and the information may only be communicated to a person exposed to the danger, to that person's representative, or to the persons who can come to that person's aid.

The Order expects the proposed amendments to have no impact on businesses, in particular on small and medium-sized businesses.

Further information may be obtained by contacting Renée Verville, Secretary and Executive Director of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, 1600, boulevard Henri-Bourassa Ouest, bureau 520, Montréal (Québec) H3M 3E2; telephone: (514) 737-4717 or 1 800 363 2643; fax: (514) 737-2172.

Any interested person having comments to make is asked to submit them, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be communicated to the professional order that adopted the Regulation as well as to any interested persons, departments, bodies or agencies.

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

Regulation to amend the Code of ethics of the members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec*

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

1. The Code of ethics of the members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec is amended by inserting the following subdivision after subdivision 6 of Division III:

“§6.1. Lifting of professional secrecy to protect individuals

3.06.01.01. In addition to the cases provided for in section 3.06.02, any member may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the member has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

However, the member may only communicate the information to a person exposed to the danger, or that person's representative, or to the persons who can come to that person's aid.

The member may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

* The Code of ethics of the members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec (R.R.Q., 1981, c. C-26, r.41) was amended only once, by the Regulation approved by Order in Council 818-95 dated 14 June 1995 (1995, G.O. 2, 1885.)

3.06.01.02. A member who, pursuant to section 3.06.01.01, communicates information protected by professional secrecy to prevent an act of violence must

- (1) communicate the information without delay; and
- (2) record the following particulars in the client's file as soon as possible:
 - (a) the reasons supporting the decision to communicate the information; and
 - (b) the subject of the communication, the mode of communication, and the name of the person to whom the information was given.”.

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