

Draft Regulation

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

Denturologists — Code of Ethics — Amendments

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 Ordre des denturologistes du Québec, made by the Bureau of the Ordre des denturologistes 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 the Regulation is to amend the Code of Ethics of the Ordre des denturologistes du Québec to introduce provisions stating the terms and conditions according to which a denturologist may communicate information that is protected by professional secrecy so as 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 Regulation also introduces, pursuant to subparagraph 4 of the first paragraph of section 87 of the Professional Code (R.S.Q., c. C-26), 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 denturologist's obligation to release documents to his or her patient.

Lastly, it proposes an amendment to the provision concerning the acts that are derogatory to the honour and dignity of the profession, so as to respond to a recommendation of the consultation report on exploitation of the elderly made public by the Commission des droits de la personne et des droits de la jeunesse.

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

Further information may be obtained by contacting Monique Bouchard, Secretary and Director General of the Ordre des denturologistes du Québec, 45, place Charles-LeMoine, bureau 106, Longueuil (Québec) J4K 5G5; telephone: (450) 646-7922 or 1 800 567-2251; fax: (450) 646-2509.

Any interested person having comments to make is asked to send them in writing, 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. 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 made the Regulation, as well as to the interested persons, departments and bodies.

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

Regulation to amend the Code of Ethics of the Ordre des denturologistes du Québec *

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

1. The Code of Ethics of the Ordre des denturologistes du Québec is amended by inserting the following section after section 41 :

“**41.1.** In addition to the cases provided for in section 41, a denturologist may communicate information that is protected by professional secrecy to prevent an act of violence, pursuant to the third paragraph of section 60.4 of the Professional Code. A denturologist who communicates such information shall

(1) warn without delay the person exposed to the danger, that person's representative or the persons who can come to that person's aid ;

* The Code of Ethics of the Ordre des denturologistes du Québec, approved by Order in Council 1011-85 dated 29 May 1985 (1985, G.O. 2, 1976), was last amended by the Regulation approved by Order in Council 648-97 dated 13 May 1997 (1997, G.O. 2, 2244). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, updated to 1 September 2002.

(2) send as soon as possible to the syndic a written notice of the communication containing the following information:

- (a) the date and time of the communication;
- (b) the nature of the information communicated;
- (c) the identity of the person who communicated the information; and
- (d) the identity of the person or persons to whom the information was communicated; and

(3) enter the information forwarded to the syndic in the patient's record, including the date on which the information was forwarded.

2. The following heading is substituted for the heading of Division 7 of Chapter III:

**“DIVISION 7
ACCESSIBILITY AND CORRECTIONS TO
RECORDS AND RELEASE OF DOCUMENTS”.**

3. The following sections are inserted after Division 7 of Chapter III:

47. In addition to the special rules prescribed by law, a denturologist shall promptly follow up, no later than 30 days after its receipt, on any request made by a patient

- (1) to examine documents that concern the patient in any record established in his or her respect; or
- (2) to obtain a copy of the documents that concern the patient in any record established in his or her respect.

47.1. A denturologist who grants a request referred to in section 47 shall give the patient access to documents, free of charge. However, a denturologist who receives a request referred to in paragraph 2 of section 47 may charge reasonable fees not exceeding the cost for reproducing or transcribing documents or the cost for forwarding a copy.

A denturologist charging such fees shall, before proceeding with the reproduction, transcription or forwarding of the information, inform the patient of the approximate amount payable.

47.2. A denturologist who, pursuant to the second paragraph of section 60.5 of the Professional Code, refuses to give the patient access to the information contained in a record shall specify to the patient, in writing, the reasons for the refusal, which must be linked to the serious harm that the disclosure would cause to the patient or a third person.

47.3. In addition to the special rules prescribed by law, a denturologist shall promptly follow up, no later than 30 days after its receipt, on any request made by a patient

(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 his or her respect;

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

(3) to file the patient's comments in the record established in his or her respect.

47.4. A denturologist who grants a request referred to in section 47.3 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 written comments prepared by the patient were filed in the record.

Upon written request from a patient, a denturologist 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 denturologist received the information and to any person to whom the information was communicated.

47.5. A denturologist shall promptly follow up on any written request made by a patient to retrieve a document entrusted to the denturologist by the patient.

A denturologist shall indicate in the patient's record, where applicable, the reasons in support of the patient's request.

47.6. A denturologist may require that a request referred to in section 47, 47.3 or 47.5 be made at the denturologist's professional domicile during regular office hours.”.

4. The following is substituted for paragraph 11 of section 61 :

“(11) intimidating, harassing or threatening directly or indirectly a person who has applied or who intends to apply to the syndic for an inquiry into his professional conduct or competence, or communicating with that person without the prior written permission of the syndic or the syndic’s assistant;”.

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

5614

Draft Regulation

Medical Act
(R.S.Q., c. M-9)

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

Physicians

— Conditions and formalities for the issuance and revocation of registration in medicine

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Collège des médecins du Québec, at its meeting held on 13 December 2002, adopted the Regulation respecting the causes, conditions and formalities for the issuance and revocation of registration in medicine.

This Regulation, the text whereof is reproduced herein below, has been transmitted to the Office des professions du Québec, which will examine it pursuant to section 95 of the Professional Code. It will then be submitted, with the recommendation of the Office, to the Government which may, under the same section, approve it with or without amendment, after the expiry of 45 days following this publication.

According to the Collège des médecins du Québec:

(1) the purpose of that Regulation is to determine the conditions and formalities for the issuance and revocation of the registration certificate referred to in the Medical Act, which provides for the registration with the College of medicine students and persons serving periods of postdoctoral training with a view to obtaining a permit to practise medicine or a specialist’s certificate in one of the specialties defined within the medical profession;

(2) as for citizens and the protection of the public, the Regulation is intended to ensure that only authorized persons may pursue medical studies and receive the recognized postdoctoral training leading first to the issue of a doctorate in medicine and secondly to the issue of a permit to practise medicine and possibly a specialist’s certificate; it prescribes the rules of the issuance and revocation of a registration certificate if, for instance, the certificate holder acts or behaves in such a way that the well-being or safety of the patients he deals with is compromised;

(3) the Regulation will have no impact on businesses.

Additional information may be obtained by contacting Doctor Pierre Blanchard, Director of the Direction des études médicales, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal (Québec) H3H 2T8; tel. (514) 933-4441, extension 302, fax: (514) 933-3112.

Any person having comments to make on the text reproduced below 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 has adopted the Regulation, namely the Collège des médecins du Québec, as well as to interested persons, departments and bodies.

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

Regulation respecting the causes, conditions and formalities for the issuance and revocation of registration in medicine

Medical Act
(R.S.Q., c. M-9, s. 19, 1st par., subpar. c)

1. Subject to the Medical Act and this Regulation, a registration certificate is valid until the issuance of a permit to practise medicine.

2. The registration certificate is revoked without further formality,

a) when a person holding a registration certificate abandons his medical studies, his postdoctoral training in family medicine or in a specialty, or the professional training periods for which he is registered;