

Draft Regulations

Draft Regulation

Professional Code
(R.S.Q., c. C-26; 2002, c. 33)

Activities engaged in and described in sections 39.7 and 39.8 of the Professional Code

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 activities engaged in and described in sections 39.7 and 39.8 of the Professional Code, adopted by the Office des professions du Québec, may be submitted to the Government for approval, with or without amendment, upon the expiry of 45 days following this publication.

The draft Regulation determines that non-professionals acting on behalf of a rehabilitation centre for mentally impaired persons may, on certain conditions, provide invasive care involved in assistance with activities of daily living and administer certain medications to those persons.

The Office expects the new measures to have no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Michel Paquette, Direction des affaires juridiques, or Line Poitras, Direction de la recherche et de la coordination, Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3; telephone: 643-6912 or 1 800 643-6912; fax: (418) 643-0973.

Any person having comments to make on the matter is asked to send them in writing, 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 forwarded to the interested persons, departments or bodies.

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

Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code

Professional Code
(R.S.Q., C-26, s. 39.9; 2002, c. 33, s. 4)

1. The persons acting on behalf of a rehabilitation centre for mentally impaired persons referred to in paragraph 1 of section 86 of the Act respecting health services and social services (R.S.Q., c. S-4.2) may engage in the activities described in sections 39.7 and 39.8 of the Professional Code (R.S.Q., c. C-26), enacted by section 4 of chapter 33 of the Statutes of 2002, when the persons are providing adjustment, rehabilitation and social integration services to a user of the centre.

2. The activities may be engaged in at any place they are required, in particular within the scope of the residential program or socio-occupational program administered by the centre.

3. A person acting on behalf of a centre may engage in the activities referred to in section 1 on the following conditions :

(1) the person learns how to provide invasive care involved in assistance with activities of daily living and how to administer medication with a professional authorized by law to engage in those professional activities;

(2) the person is supervised the first time he or she engages in one of those activities by a professional authorized to engage in that activity or by any other person who has been acting on behalf of a centre for at least six months;

(3) the person complies with the rules of care in force in the centre; and

(4) the person has access at all times to a professional authorized to engage in those activities.

A person who, on 30 January 2003, engaged in the activities referred to in section 1 on behalf of a centre is not required to fulfil the conditions set out in subparagraphs 1 and 2 of the first paragraph.

4. 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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Draft Regulation

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

Occupational therapists

— 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 occupational therapists, adopted by the Bureau of the Ordre des ergothérapeutes 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 draft Regulation is to amend the Code of ethics of occupational therapists 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 Christiane-L. Charbonneau, Director General and Secretary, 2021, avenue Union, bureau 920, Montréal (Québec) H3A 2S9, telephone: (514) 844-5778 or 1 800 265-5778; fax: (514) 844-0478.

Any person having comments to make is asked to send 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 occupational therapists*

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

1. The Code of ethics of occupational therapists is amended by inserting the following after section 3.06.06:

“**3.06.07.** In addition to the cases provided for in section 3.06.02, an occupational therapist may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the occupational therapist 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 occupational therapist 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 occupational therapist may only communicate such information as is necessary to achieve the purposes for which the information is communicated, in particular the identity of the person in danger, the identity, address and telephone number of the person uttering threats as well as the nature of those threats, and the circumstances in which they were uttered.

3.06.08. An occupational therapist who, pursuant to section 3.06.07, communicates information must enter the following particulars in the client's record:

* The Code of ethics of occupational therapists (R.R.Q., 1981, c. C-26, r.78) was amended only once by the Regulation approved by Order in Council 1015-98 dated 5 August 1998 (1998, *G.O.* 2, 3677).