

Draft Regulations

Draft Regulation

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

Physiotherapists — 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 physiotherapists, made by the Bureau of the Ordre professionnel des physiothérapeutes 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 physiotherapists to introduce provisions stating the terms and conditions according to which a professional may communicate information that is protected by professional secrecy so as to prevent an act of violence.

Those 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, where the professional has 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 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, including small and medium-sized businesses.

Further information may be obtained by contacting Louise Bleau, Secretary General of the Ordre professionnel de la physiothérapie du Québec, 7101, rue Jean-Talon Est, bureau 1120, Anjou (Québec) H1M 3N7; telephone: (514) 351-2770 or 1 800 361-2001, fax: (514) 351-2658.

Any person having comments to make 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. 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,
*Chair of the Office des
professions du Québec*

Draft amendment to the Code of ethics of physiotherapists

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

1. The Code of Ethics of physiotherapists (R.R.Q., 1981, c. C-26, r.136) is amended by inserting the following sections after section 3.06.02:

“3.06.02.01 Notwithstanding sections 3.06.01 and 3.06.02, the Physiotherapist may communicate information protected by professional privilege, with a view to preventing an act of violence, including suicide, when there are reasonable grounds for believing that an identifiable person or group of persons is in imminent danger of death or serious injury.

However, the Physiotherapist may communicate this information only to the person or persons exposed to this danger, their representative or persons likely to come to their assistance.

The Physiotherapist may communicate only the information necessary to achieve the purpose of the communication.

3.06.02.02 The Physiotherapist who is unsure of the degree of imminence of the danger or of what to do may consult another Physiotherapist, a member of another professional order or any other competent person, as long as this consultation does not slow down the communication process.

3.06.02.03 The Physiotherapist who, in the application of section 3.06.02.01, communicates information protected by professional privilege with a view to preventing an act of violence, shall:

1° communicate the information immediately;

2° enter the following in the client's record as soon as possible:

(a) the reasons that support the decision to communicate the information;

(b) the purpose of the communication, the means of communication used and the person to whom the information was communicated.

3.06.02.04 The Physiotherapist who, in the application of section 3.06.02.02, has consulted another Physiotherapist, a member of another professional order or any other competent person, shall, as soon as possible, enter the following in the client's record:

(a) the name of the person consulted;

(b) the date of the consultation;

(c) a synopsis of the consultation;

(d) his decision.”.

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