

Draft Regulation

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

Advocates

— 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 advocates”, adopted by the General Council of the Barreau du Québec on September 25, 2003, may be submitted to the Government for approval, with or without amendment, upon the expiry of a period of 45 days following the present publication.

The purpose of this draft regulation is to introduce into the Code of ethics of advocates the terms and conditions pursuant where to an advocate may communicate information that is protected by professional secrecy in order to prevent an act of violence, as required by the provisions of An 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 does not have any effect on the burden imposed upon citizens or enterprises.

Additional information may be obtained by contacting M^e Dominique Launay, lawyer, Service de recherche et de législation, Barreau du Québec, 445, boulevard Saint-Laurent, Montréal (Québec) H2Y 3T8, telephone: (514) 954-3400 extension 3145 or 1 800 361-8495 extension 3145; fax number: (514) 954-3463.

Any person having comments to make is asked to transmit 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. Those comments will be forwarded by the Office to the Minister Responsible for the Administra-

tion of Legislation respecting the Professions; they may be also forwarded to the professional order that made the Regulation as well as to the persons, departments and agencies concerned.

GAÉTAN LEMOYNE,
*Chairman of the Office des
professions du Québec*

Regulation to amend the Code of ethics of advocates*

Professional Code
(R.S.Q. c. C-26, s. 87, par. 2)

1. The Code of ethics of advocates is amended by inserting the following Subdivision after Subdivision 6 of Division III:

“§6.1 *Release of professional secrecy in order to protect persons*

3.06.01.01. An advocate may communicate information that is protected by professional secrecy, in order to prevent an act of violence, including a suicide, where he 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, he may only communicate the information to a person exposed to the danger or that person’s representative, and to the persons who can come to that person’s aid.

3.06.01.02. An advocate who decides to communicate information that is protected by professional secrecy may only communicate such information as is necessary to achieve the purposes for which the information is communicated. He shall, in connection with such communication, mention the following:

(1) his identity and the fact that he is a member of the Barreau du Québec;

(2) that the information he will communicate is protected by professional secrecy;

* The most recent amendments to the Code of ethics of advocates (R.R.Q., 1981, c. B-1, r.1) were made by the regulation approved by Order in Council 358-97 dated 19 March 1997 (1997, G.O. 2, 1419). For prior amendments, see *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, up to date until 1 September 2003.

(3) that he is availing himself of the possibility offered to him at law to set aside professional secrecy in order to prevent an act of violence, because he has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or group of persons;

(4) the nature of the threats or violence he intends to prevent;

(5) the identity and, if possible, the contact information for the person or group of persons exposed to the danger; and

(6) the imminence of the danger in question.

3.06.01.03. An advocate who decides to communicate information that is protected by professional secrecy may, if necessary to achieve the purposes of the communication contemplated in section 3.06.01.02, communicate the identity and contact information of the person who prompted him to communicate the information.

3.06.01.04. Where circumstances permit, an advocate may consult the syndic of the Barreau before communicating the information protected by professional secrecy in order to assess the appropriate course of action.

3.06.01.05. An advocate who communicates information protected by professional secrecy in accordance with section 3.06.01.01 shall, for each communication, prepare a written note as soon as possible containing the following:

(1) the date and time of the communication;

(2) the grounds in support of his decision to communicate the information, including the violence he intended to prevent, the identity of the person who prompted him to communicate the information as well as the identity of the person or group of persons exposed to the danger; and

(3) the content of the communication, the method of communication used and the identity of the person to whom the communication was made.”.

2. This Regulation shall come into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

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Draft Regulation

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

Physicians

— Professional activities that may be performed by a clinical perfusionist

Notice is hereby given, in accordance with 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 April 25, 2003, adopted the Regulation respecting professional activities that may be performed by a clinical perfusionist.

The Regulation has been transmitted to the Office des professions du Québec, which will examine it pursuant to section 95 of the Professional Code (R.S.Q., c. C-26). 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 object of this regulation is to determine, among the professional activities that may be performed by physicians, those that may be performed by a clinical perfusionist in a centre operated by an institution pursuant to the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (L.R.Q., c. S-5) or in the course of the inter-hospital transportation of a patient or of an organ. A student duly enrolled in a training program leading to the diploma contemplated in this Regulation may engage in such activities insofar as they are required for the completion of this program;

2° as for citizens and the public protection, the regulation determines the terms and conditions, in particular training, according to which such activities may be performed.

Further information may be obtained by contacting, M^e Linda Bélanger, Legal Advisor, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal (Québec) H3H 2T8; telephone number: (514) 933-4441, extension 362, facsimile number: (514) 933-5374, e-mail: lbelanger@cmq.org