

10. The said code is amended by inserting, after section 41, the following section:

“**41.1.** In connection with any research, a nurse must, in regard to each of the research subjects or their legal representative, ensure:

(1) that the subject is informed of the research project’s objectives and the manner in which it will be conducted, its advantages, risks or disadvantages for the subject, the advantages provided by the usual care, if applicable, as well as the fact, as the case may be, that the nurse will derive, in addition to the salary to which the nurse is entitled, a material gain from enrolling or keeping the subject in the research project;

(2) that a free and enlightened consent is obtained in writing from the subject before he begins participating in the research or when there is any significant change in the research protocol;

(3) that the research subject is informed that his consent is revocable at any time.”

11. Section 44 of the said code is amended by inserting, after the words “treatment provided to the client”, the words “or to the research subject in connection with any research activities”.

12. 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)

Nursing assistants — 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 nursing assistants, made by the Bureau of the Ordre des infirmières et infirmiers auxiliaires du Québec, the text of which appears below, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the Regulation is to amend the Code of ethics of the Ordre des infirmières et infirmiers auxiliaires du Québec to introduce provisions stating the terms and conditions according to which nursing assistants 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, where the professional 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 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, and to the persons who can come to that person’s aid.

In addition, the Regulation introduces 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 nursing assistant’s obligation to release documents to a patient, pursuant to subparagraph 4 of the first paragraph of section 87 of the Professional Code (R.S.Q., c. C-26).

The Order expects no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Georges Ledoux, Ordre des infirmières et infirmiers auxiliaires du Québec, 531, rue Sherbrooke Est, Montréal (Québec) H2L 1K2, telephone: (514) 282-9511 or toll free: 1 800 283-9511 or fax: (514) 282-0631.

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. The comments will be sent to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that made the Regulation, as well as to interested persons, departments and bodies.

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

Regulation to amend the Code of ethics of nursing assistants*

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

1. The Code of ethics of nursing assistants is amended by inserting the following after section 3.05.06:

“**3.05.07.** The member who, pursuant to the third paragraph of section 60.4 of the Professional Code (R.S.Q., c. C-26), communicates information protected by professional secrecy to prevent an act of violence must

(1) communicate the information immediately;

(2) enter the following in the client’s record as soon as possible:

(a) the reasons supporting the decision to communicate the information, including the name of the person exposed to the danger; and

(b) the content of the communication, the mode of communication and the name of the person to whom the information was given.”

2. The Code is amended by replacing subdivision 6 of Division III by the following:

“§6. *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 Professional Code, and the obligation for members to release documents to a client*

3.06.01. A member may require that a request referred to in section 3.06.02, 3.06.05 or 3.06.08 be made at the professional domicile of the member during regular business hours.

3.06.02. In addition to the special rules prescribed by law, a member shall respond promptly, and no later than within 30 days of its receipt, to any request made by a client

(1) to examine the documents concerning the client in any record established in the client’s respect; or

(2) to obtain a copy of the documents concerning the client in any record established in the client’s respect.

3.06.03. A member who grants a request referred to in section 3.06.02 shall give the client access to the documents, free of charge. However, the member may, with respect to a request referred to in paragraph 2 of section 3.06.02, charge to the client reasonable fees not exceeding the cost for reproducing or transcribing the documents or the cost for transmitting a copy.

A member who charges such fees shall, before proceeding with the copying, transcribing or transmitting of the documents, inform the client of the approximate amount that must be paid.

3.06.04. A member who, pursuant to the second paragraph of section 60.5 of the Professional Code, denies a client access to information contained in any record established in the client’s respect shall notify the client in writing of the reasons for the refusal.

3.06.05. In addition to the special rules prescribed by law, a member shall respond promptly, and no later than within 30 days of its receipt, to any request made by a client

(1) to cause to be corrected, in any document concerning the client and included in a record established in the client’s respect, any information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected;

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

(3) to file in the record established in the client’s respect the written comments made by the client.

3.06.06. A member who grants a request referred to in section 3.06.05 shall issue to the client, free of charge, a copy of the document or part of the document so that the client may see for himself or herself that the information was corrected or deleted or, as the case may be, an attestation that the written comments of the client were filed in the record.

3.06.07. Upon request by a client, a member shall send a copy free of charge of the corrected information or an attestation that the information was corrected or deleted or, as the case may be, that written comments were filed in the record to any person from whom the member received the information that was the subject of the correction, deletion or comments and to any person to whom the information was provided.

* The Code of ethics of nursing assistants (R.R.Q., 1981, c. C-26, r.111) was last amended by the regulation approved by Order in Council 594-98 dated 29 April 1998 (1998, G.O. 2, 1814). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 September 2003.

3.06.08. A member shall respond promptly to any written request made by a client to retrieve a document given by the client.

The member shall indicate in the client's record, where applicable, the reasons supporting the client's request.”.

3. 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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