

## Draft Regulations

### Draft Regulation

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

#### Nurses

— 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 nurses, made by the Bureau of the Ordre des infirmières et infirmiers 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 nurses to introduce provisions stating the terms and conditions according to which a nurse may communicate information that is protected by professional secrecy so as to prevent an act of violence and to add or amend certain provisions relating to the practice of research by a nurse.

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.

As for the provisions relating to the practice of research, the aim of these provisions is to make the Code more explicit in this regard, among other things with respect to the duties pertaining to the approval of the research by an ethics committee, the duty of the nurse to refuse to collaborate or cease collaborating in research where certain characteristics are present and the duty to obtain an enlightened consent. The Bureau of the Order considers the addition of these provisions to be necessary in light of the involvement of nurses in research, the need to guide them in these activities and the concern with providing a framework for such practice.

The Bureau foresees no other impact on businesses, in particular small and medium-sized businesses.

Further information concerning the Regulation may be obtained by contacting Carmelle Marchessault, Legal Services Department, Ordre des infirmières et infirmiers du Québec, 4200, boulevard Dorchester Ouest, Montréal H3Z 1V4; telephone (514) 935-2501 or 1 800 363-6048; fax: (514) 935-3147.

Any person having comments to make on the Regulation is asked to send them, before the expiry of the 45 days period, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. Those 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 made the Regulation, that is the Ordre des infirmières et infirmiers du Québec, and to the interested persons, departments and agencies.

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

### Regulation to amend the Code of ethics of nurses\*

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

**1.** Section 2 of the Code of ethics of nurses is amended by adding, at the end of the third paragraph, the words "or, as the case may be, the research subject".

**2.** The said code is amended by inserting, after section 7, the following sections:

"**7.1.** A nurse may not undertake or participate in any research on humans that has not been approved by a research ethics committee formed or designated by the Minister of Health and Social Services or by another ethics committee constituted in accordance with recognized standards in matters of research ethics.

\* The Code of ethics of nurses was approved by Order in Council Number 1513-2002 of December 18, 2002 (2003 G.O. 2, p. 64). The said regulation has not been amended since that date.

If no such committee exists, the nurse may decide to constitute one, in conformity with recognized standards in matters of research ethics, particularly in regard to the composition of the committee and the methods by which it operates.

**7.2.** A nurse who undertakes or participates in research must advise the ethics committee or another appropriate authority where the research or the manner in which it is being conducted appears not to conform to generally recognized scientific principles and ethical standards.

**7.3.** A nurse must refuse to collaborate or cease collaborating in any research or research activity where the risks to the health of subjects appear disproportionate having regard to the advantages that the subjects stand to derive from the research or, if applicable, the advantages that the subjects could derive from the usual care.”.

**3.** Section 14 of the said code is amended by inserting, in the first line of the first paragraph, after the word “file”, the words “, research record”.

**4.** The said code is amended by inserting, after section 14, the following section :

“**14.1.** A nurse must not knowingly conceal from the persons or authorities concerned the negative findings of any research in which she or he has taken part.”.

**5.** The said code is amended by inserting, after section 15, the following section :

“**15.1.** When informing the public of a new method of care or a treatment which has not been sufficiently tested, a nurse must mention that fact and express the appropriate caution.”.

**6.** Section 22 of the said code is amended :

(1) by replacing the word “pressing” with the word “insistent”;

(2) by adding, at the end of the said section, the words “or to take part in any research”.

**7.** Section 23 of the said code is amended by adding, at the end of paragraphs (2) and (3), the words “, including any research activities”.

**8.** The said code is amended by inserting, after section 24, the following section :

“**24.1.** A nurse who participates in research must declare her or his interest and disclose any apparent or potential conflict of interest to a research ethics committee formed or designated by the Minister of Health and Social Services or another ethics committee formed in accordance with recognized standards in matters of research ethics.”.

**9.** The said code is amended by inserting, after section 31, the following sections :

“**31.1.** A nurse who 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 may, in order to prevent an act of violence, including a suicide, communicate information that is protected by professional secrecy.

The nurse 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. The nurse may only communicate such information as is necessary to achieve the purposes for which the communication is communicated.

The nurse shall take into consideration, as applicable, the terms and conditions determined by directive pursuant to section 19.01 of the Act respecting health services and social services, R.S.Q. chapter S.-4.2, section 7 of the Act respecting health services and social services for Cree Native persons, R.S.Q. chapter S-5, section 72.8 of the Youth Protection Act, R.S.Q. chapter P.-34.1 or section 59.1 of the Act respecting Access to documents held by public bodies and the Protection of personal information, R.S.Q. chapter A.-2.1.

**31.2.** A nurse who, in accordance with section 31.1, communicates information that is protected by professional secrecy, shall enter the following in the client’s record :

(1) the reasons supporting the decision to communicate the information, including in particular the identity of the person who caused the nurse to communicate the information and the identity of the person or group of persons exposed to the danger ;

(2) the elements of the communication including the date and time of the communication, the content of the communication, the mode of communication used and the identity of the person to whom the communication was made.”.

**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*.

6022

## 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<sup>e</sup> 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*