

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 Alain Crompt, Director General and Secretary, Ordre des technologues en radiologie du Québec, 7400, boulevard Les Galeries d'Anjou, bureau 420, Anjou (Québec) H1M 3M2; telephone: (514) 351-0052; fax: (514) 355-2396.

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 made the Regulation as well as to any interested persons, departments, bodies or agencies.

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

Regulation to amend the Code of ethics of radiology technologists*

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

1. The Code of ethics of radiology technologists is amended by inserting the following after section 27:

“**27.1.** A radiology technologist 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 shall

- (1) communicate the information immediately;
- (2) if the information is communicated orally, confirm the information in writing to the person to whom the information is given as soon as possible;
- (3) enter the following particulars in the user's record as soon as possible:

(a) the date and time of the communication;

(b) the reasons supporting the decision to communicate the information including the name of the person who caused the radiology technologist to communicate the information and the name of the person or group of persons exposed to the danger; and

(c) the content of the communication, the mode of communication and the name of the person to whom the information was given; and

(4) as soon as possible, send the syndic a notice of the communication that includes the reasons supporting the decision to communicate the information and the date and time it was communicated.

In addition, if it is necessary in the best interests of the person or persons exposed to the danger, a radiology technologist who, pursuant to the third paragraph of section 60.4 of the Code communicates such information, shall consult a member of the order, a member of another professional order, or any other qualified person, provided the consultation will not prejudicially delay the communication of the information.”

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

6201

Draft Regulation

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

Veterinary surgeons — Code of ethics

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Code of ethics of veterinary surgeons, made by the Bureau of the Ordre des médecins vétérinaires du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the Regulation is to replace the current Code of ethics of veterinary surgeons. In addition to revising the current Code, the Regulation completes the Code by introducing provisions stating the terms and conditions according to which a professional may communicate information that is protected by professional secrecy in order to prevent an act of violence.

* The Code of ethics of radiology technologists, approved by Order in Council 789-98 dated 10 June 1998 (1998, *G.O.* 2, 2289), has not been amended since its approval.

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 and to the persons who can come to that person's aid.

The Regulation also introduces provisions setting out the terms and conditions regarding the rights of access to and correction of professional records.

Lastly, it codifies the concept of veterinary surgeon-client-patient relationship and determines the rules applicable to such a relationship.

The Order expects the amendments to have no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Réjean Pedneault, Secretary and Director General of the Ordre des médecins vétérinaires du Québec, 800, avenue Sainte-Anne, bureau 200, Saint-Hyacinthe (Québec) J2S 5G7; telephone: 1 800 267-1427; fax: (450) 774-7635.

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 made the Regulation as well as to any interested persons, departments, bodies or agencies.

GAÉTAN LEMOYNE,
Chair, Office des professions du Québec

Code of ethics of veterinary surgeons

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

Veterinary Surgeons Act
(R.S.Q., c. M-8, s. 6.1, 1st par., subpar. 3)

DIVISION I DUTIES TOWARDS THE PUBLIC

1. Veterinary surgeons shall seek to improve the quality and availability of professional services in the field in which they practise.

2. Veterinary surgeons shall promote the protection and improvement of public health and the quality of the environment. In their practice, veterinary surgeons shall, in particular,

(1) consider all the foreseeable consequences that their opinions, research and work may have on society;

(2) promote education and information measures in their field of practice and, insofar as possible, do what is appropriate to ensure such education and information;

(3) collaborate in the safe recovery of expired or unused medications which are to be subsequently destroyed; and

(4) refrain from disposing of biomedical waste into the environment in an uncontrolled manner or participating in such an activity either directly or indirectly.

3. Veterinary surgeons' conduct towards others in their practice shall be beyond reproach and, in particular, they shall act with courtesy, dignity, moderation and objectivity.

DIVISION II DUTIES TOWARDS THE CLIENT

§1. *General*

4. Veterinary surgeons shall practise in accordance with recognized standards of practice and the current state of knowledge in medical science. To that end, they shall

- (1) make their diagnosis with great care ;
- (2) use the appropriate scientific methods and, if need be, consult the most knowledgeable sources ;
- (3) maintain and improve their knowledge and skills ;
and
- (4) refrain from using, outside a recognized scientific setting, means of diagnosis or treatment that have not been sufficiently proven.

5. Before accepting a mandate for professional services, veterinary surgeons shall consider the field in which they mainly practise, the extent of their skills and knowledge and the means at their disposal.

They shall not in any way interfere with the right of a client to consult another veterinary surgeon.

6. Veterinary surgeons shall refrain from practising or performing professional acts under conditions or in such states that may compromise the quality of their services or the dignity of the profession.

7. Except under exceptional circumstances, veterinary surgeons shall refrain from practising in unsuitable or inadequate premises.

8. Veterinary surgeons shall seek to establish a relationship of mutual trust with their clients and shall refrain from practising in an impersonal or inopportune manner.

9. Except in an emergency, veterinary surgeons shall obtain the client's free and enlightened authorization before undertaking a medical examination.

10. Where a veterinary surgeon-client-patient relationship exists and the veterinary surgeon prescribes a treatment or procedure referred to in section 7 of the Veterinary Surgeons Act (R.S.Q., c. M-8), the client or the custodian of the animal or animals may administer the prescription according to the instructions of the veterinary surgeon.

For the purposes of this Code, a veterinary surgeon-client-patient relationship that is a relationship of mutual trust is established if the following conditions are fulfilled:

(1) the veterinary surgeon has sufficient knowledge of the animal or animals, their state of health and living conditions, as substantiated by the medical record ;

(2) the veterinary surgeon has sufficient knowledge of the prevalence or frequency of the animal's or animals' pathological conditions, as substantiated by the medical record ; and

(3) the client or, as the case may be, the custodian of the animal or animals accepts and is able to follow the instructions of the veterinary surgeon.

§2. Integrity

11. Veterinary surgeons shall perform their professional duties with integrity ; to that end, they shall, in particular,

(1) avoid making any false representation with respect to their level of competence or the effectiveness of their services and of those generally provided by the members of the profession. If the welfare of the animal or animals so requires, they shall consult another veterinary surgeon or, with the client's authorization, refer the case to that veterinary surgeon ;

(2) seek to know all the facts before giving an opinion, service or advice, and reveal to their client in a complete and objective manner the nature and scope of the problem resulting from the facts brought to their attention ;

(3) make a diagnosis or implement a prophylactic program only after personally making an appropriate examination of the animal or animals ;

(4) prescribe medications only after personally making an appropriate examination of the animal or animals, or where a veterinary surgeon-client-patient relationship exists ;

(5) inform the client of the nature of the medications being prescribed, their methods of administration and storage, their expiry date, withdrawal periods, dangers that may be involved in their use, and their safe disposal ;

(6) take the necessary measures to prevent veterinary acts from being performed in their place of work by unqualified persons ;

(7) control at all times the purchase, sale, storage and inventory of medications, and the safe recovery of expired or unused medications which are to be subsequently destroyed ;

(8) refrain from selling without an appropriate prescription any medications listed in Schedule I, II or IV to the Regulation respecting the terms and conditions for the sale of medications, approved by Order in Council 712-98 dated 27 May 1998. At the request of the syndic, an assistant syndic, a corresponding syndic, an investigator or an inspector of the professional inspection committee, veterinary surgeons must be able at all times to justify the medications sold in the last five years with the prescriptions relating to them; and

(9) refrain from prescribing, selling, giving or allowing medications to be obtained without sufficient medical reasons or for human consumption.

12. Veterinary surgeons shall assume full civil liability in their practice. Veterinary surgeons may not elude or attempt to elude that liability or request that a client or other person waive any recourse where there is professional negligence on their part.

In addition, veterinary surgeons shall inform their client as soon as possible of any incident, accident or complication which is likely to have or having had a significant impact on the state of health of an animal or animals.

§3. Availability and diligence

13. Veterinary surgeons shall respect the service hours they publicly advertise and show reasonable availability and diligence, particularly after they have administered or prescribed a treatment or medication to or for an animal or animals.

14. Veterinary surgeons may not cease to act for a client without just and reasonable cause. Just and reasonable cause includes

- (1) loss of the client's trust;
- (2) the fact that the veterinary surgeon is in a situation of conflict of interest or in a situation in which his or her professional independence could be called into question;
- (3) inducement by the client to perform illegal, unfair or fraudulent acts;
- (4) deceit on the part of the client or the client's failure to collaborate;
- (5) the client's refusal to pay the veterinary surgeon's fees; and

(6) the fact that the veterinary surgeon cannot communicate with the client or obtain from the client information considered necessary to continue to provide professional services.

15. Before ceasing to act for a client, veterinary surgeons must give the client reasonable notice to that effect and take the measures necessary to minimize the prejudice caused to the client by the withdrawal of services.

§4. Independence and impartiality

16. Veterinary surgeons shall subordinate their personal interests to those of their clients.

17. Veterinary surgeons shall be objective and impartial when persons other than their clients ask them for information.

18. Veterinary surgeons shall disregard any intervention by a third party that could influence the performance of their professional duties to the detriment of their client.

19. Veterinary surgeons shall safeguard their professional independence at all times and avoid any situation in which they would be or appear to be in conflict of interest.

20. Veterinary surgeons shall respect the right of the client to obtain a prescribed medication from or have a prescribed treatment performed by a professional of the client's choice. They shall, in such a case, give the client a prescription to that effect, at no additional charge.

21. Veterinary surgeons are in a situation of conflict of interest where, in particular, they

- (1) share professional income in any way whatsoever with a person who is not a member of the Order;
- (2) provide or offer to provide veterinary services under a capitation system according to which remuneration is on the basis of a fixed lump sum independent of the quantity or quality of the services rendered;
- (3) propose to their clients an insurance plan intended to guarantee the provision of veterinary services, in return for a lump sum agreed on in advance, if the plan is not managed in an independent manner by a third party without being controlled or supervised, whether directly, indirectly or through an intermediary, by a veterinary surgeon involved in the plan;

(4) receive, in addition to the remuneration to which they are entitled, any commission, rebate, benefit or other consideration in connection with their practice;

(5) give or offer to give a commission, rebate, benefit or other consideration of a similar nature in connection with their practice;

(6) enter into any type of agreement with any person to attract clients; or

(7) accept discount coupons or other similar documents under which a third party undertakes to pay the fees in whole or in part in the place of the client.

22. No veterinary surgeon practising alone or in a partnership may be a shareholder, whether directly, indirectly or through an intermediary, of a company or business corporation manufacturing medications for animals.

23. Veterinary surgeons shall refrain from lending their name to a person to allow that person to promote or recommend to the public a treatment or the sale, distribution or use of medications or instruments used in the practice of the profession of veterinary surgeon.

§5. *Professional secrecy*

24. Veterinary surgeons shall ensure that they practise in premises conducive to discretion and the maintenance of professional secrecy.

25. Veterinary surgeons shall not make use of confidential information to the detriment of a client or with a view to obtaining, directly or indirectly, a benefit for themselves or another person. They shall also ensure that the personnel around them and any person under their responsibility do not disclose confidential information obtained in the performance of their duties.

§6. *Lifting of professional secrecy to ensure the protection of individuals*

26. Veterinary surgeons who, pursuant to the third paragraph of section 60.4 of the Professional Code (R.S.Q., c. C-26), communicate, orally or in writing, information protected by professional secrecy to prevent an act of violence must, for each communication,

(1) enter the following particulars in the client's record:

(a) the identity of the person or groups of persons in danger;

(b) the identity of the person who caused the member to communicate the information;

(c) the reasons supporting the decision to communicate the information;

(d) the identity of the person to whom the information was communicated;

(e) the date and time of the communication;

(f) the means of communication used; and

(g) the content of the communication; and

(2) send the syndic, within five days of the communication, a notice specifying the reasons supporting the decision to communicate the information and the date and time it was communicated.

27. If the welfare of the person or persons exposed to the imminent danger of death or serious bodily injury so requires, veterinary surgeons who are about to disclose information protected by professional secrecy shall consult another veterinary surgeon, a member of another professional order or any other qualified person, provided the consultation will not prejudicially delay the communication of the information.

§7. *Accessibility to records*

(a) Conditions and procedures applicable to the exercise of the right of access provided for in section 60.5 of the Professional Code

28. Veterinary surgeons shall respect a client's right to examine the medical record of his or her animal or animals and obtain a copy of any documents concerning the client as quickly as possible.

Where a record includes radiographs, the veterinary surgeon shall respect a client's right to take possession of the radiographs.

A client who wishes to take possession of a radiograph shall sign and date a document identifying the radiograph, attesting to the taking of possession and containing a commitment from the client to return the radiograph.

29. In addition to the special rules prescribed by law, veterinary surgeons must respond with diligence, or no later than 20 days after receipt, to any request from a client to examine or obtain a copy of the documents concerning the client in any record established in respect of the client.

30. Veterinary surgeons may charge to a client who exercises the right provided for in section 28 or 29 fees that may not exceed reasonable costs for reproducing or transcribing documents or for transmitting a copy of the documents.

A veterinary surgeon who charges such fees shall, before transcribing, reproducing or transmitting the requested documents or copies, notify the client of the approximate amount to be paid.

Access to the documents for examination purposes only shall be free of charge.

31. Veterinary surgeons who, pursuant to the second paragraph of section 60.5 of the Professional Code, refuse to allow a client to have access to the information contained in a record established in his or her respect shall inform the client in writing of the refusal and the reason. The notice must describe the nature of the serious harm possible and inform the client of the client's recourses.

(b) Conditions and procedures applicable to the right of correction provided for in section 60.6 of the Professional Code

32. In addition to the special rules prescribed by law, veterinary surgeons shall respond with diligence, or no later than 20 days after receipt, to any request made by a client to

(1) cause to be corrected any information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected, contained in any record established in respect of the client;

(2) cause to be deleted any information that is outdated or unjustified having regard to the object of the record established in respect of the client; or

(3) have the client's written comments filed in the record established in respect of the client.

33. Veterinary surgeons who grant a request referred to in section 32 shall issue to the client, free of charge, a copy of the document or the part of the document that was corrected or deleted or, as the case may be, an attestation that the client's written comments have been filed in the record.

34. Veterinary surgeons who have information in respect of which a request for access or correction has been denied shall conserve the information until such time as the person concerned has exhausted all recourses under the law.

35. Veterinary surgeons are deemed to have refused to respond to a request under section 29 or 32 if no response has been given within 20 days of receipt of the request.

(c) Veterinary surgeons' obligation to return documents

36. Veterinary surgeons shall respond with diligence to any written request made by a client to take back a document entrusted to them.

§8. Fees

37. Veterinary surgeons shall inform their client as soon as possible of the approximate and foreseeable cost of the services to be provided and of the scope and terms of such services. Veterinary surgeons shall obtain the client's agreement in respect of the foregoing unless it can be reasonably assumed that the client is already informed. They shall also provide their clients with all explanations necessary to an understanding of the statement of fees and the terms and conditions of payment.

38. Veterinary surgeons shall charge and accept fees that are fair and reasonable, warranted under the circumstances and in proportion to the services provided. Veterinary surgeons shall, in particular, consider the following factors in determining their fees :

(1) the time required to perform the professional services;

(2) the degree of difficulty and extent of the professional services to be provided;

(3) the performance of services that are unusual or require exceptional competence or promptness;

(4) the veterinary surgeons' experience or expertise; and

(5) the degree of responsibility assumed.

39. Veterinary surgeons shall refrain from requiring full payment of their fees in advance; they may, however, require advance payment of anticipated expenses and disbursements and an advance not exceeding 50% of estimated fees.

40. Veterinary surgeons shall report to a client at the client's request.

41. Veterinary surgeons shall, as regards the collection of accounts,

(1) refrain from selling or otherwise transferring their accounts of professional fees, except to another veterinary surgeon;

(2) ensure that the collection of accounts or billings is clearly being carried out for them and in their name. However, a veterinary surgeon whose employer is not a veterinarian may allow the employer to claim fees or billings directly from the client, pursuant to a written agreement between the client, the employer and the veterinary surgeon, provided that the name of the veterinary surgeon in charge of the case is clearly indicated on the bills or collection documents;

(3) ensure that the person they appoint to collect their fees acts with tact and moderation; and

(4) charge interest on outstanding accounts only if there is a written agreement between the parties, provided that the interest thus charged is reasonable.

DIVISION III OBLIGATIONS AND RESTRICTIONS RESPECTING ADVERTISING

42. Veterinary surgeons may not, in any manner whatsoever, engage in or allow advertising that is false, misleading, incomplete, or that plays on the public's emotions or is likely to be misleading.

43. Veterinary surgeons may not claim to have special qualifications or skills unless such claims can be substantiated.

44. Veterinary surgeons may not use advertising practices likely to denigrate or discredit another veterinary surgeon or to suggest that their own services are superior to the services provided by other veterinary surgeons.

45. Veterinary surgeons may not, in their advertising, use or allow to be used an endorsement or testimonial concerning them.

46. Veterinary surgeons may not advertise a medication listed in Schedule IV to the Regulation respecting the terms and conditions for the sale of medications or allow such a medication to be advertised in their name, unless the advertisement is in the public interest and for the protection of the public.

47. In their advertising, veterinary surgeons shall avoid methods and attitudes likely to impart a profit-seeking or mercantile character to the profession. In particular, they may not promote the consumption of medications and, to that end, they shall refrain from advertising any offer of a rebate, discount or gratuity on the sale and prescription of medications.

48. Veterinary surgeons who advertise fees or prices shall, in particular,

(1) establish fixed fees or prices for the services being advertised;

(2) specify the nature and extent of the services covered by the fees or prices;

(3) indicate whether expenses or disbursements are included in the fees or prices; and

(4) indicate whether additional services not included in the fees or prices might be required.

The particulars and indications must be sufficient to reasonably inform persons who have no particular knowledge of the veterinary field. The fees or prices must remain in effect for a minimum of 90 days after the last broadcast or publication.

49. In any advertisement, veterinary surgeons must ensure that the public clearly understands that it is an advertisement.

50. Veterinary surgeons shall clearly indicate their name and professional title in their advertising. All the partners in an office, clinic or veterinary hospital are solidarily responsible for compliance with the rules respecting advertising, unless the advertisement clearly indicates the name of the veterinary surgeon responsible for the advertising.

51. Veterinary surgeons shall keep an integral copy of every advertisement in its original form for two years after the date of the last broadcast or publication.

52. Where veterinary surgeons reproduce the graphic symbol of the Order, they shall ensure that the symbol is identical to the original kept by the secretary of the Order.

53. Where veterinary surgeons use the graphic symbol of the Order in their printed or televised advertising, they shall include the following disclaimer: "This is not an advertisement of the Ordre des médecins vétérinaires du Québec and engages the liability of its author only."

DIVISION IV DUTIES TOWARDS THE PROFESSION

§1. *Derogatory acts*

54. In addition to the derogatory acts referred to in sections 57, 58, 59.1 and 59.2 of the Professional Code (R.S.Q., c. C-26), the following acts of veterinary surgeons are derogatory to the dignity of the profession :

(1) being physically, verbally or psychologically violent towards a client ;

(2) harassing, intimidating or threatening a person with whom they are connected in their practice ;

(3) harassing, intimidating or threatening a person who has requested an inquiry or any other person involved in the events connected with an inquiry or complaint, where the veterinary surgeons are informed that an inquiry is being conducted or where they are served with a complaint regarding their conduct or professional competence ;

(4) communicating with the plaintiff without prior written permission from the syndic or a syndic's assistant when informed of an inquiry into their conduct or professional competence or after being served with a notice of a disciplinary complaint against them ;

(5) claiming a sum of money from a client for payment in whole or in part of a professional service the cost of which is assumed by a third person ;

(6) claiming fees for professional acts not performed or falsely described, providing or allowing a person for whom they are responsible to provide receipts, veterinary prescriptions, certificates or other documents falsely indicating that a medication has been sold on prescription or that a professional service has been provided ;

(7) selling, giving, administering or dispensing an expired medication or an unused medication returned by a client ;

(8) prescribing, selling, providing or administering medications not approved by the Canadian Food Inspection Agency, in the case of biologicals, or by Health Canada, in other cases. Veterinary surgeons may, however, prescribe, sell, provide or administer medications prepared extemporaneously or recognized for a different use, provided that the medications are approved by the Canadian Food Inspection Agency, in the case of biologicals, or by Health Canada, in other cases ;

(9) buying or selling medication samples ;

(10) inducing a person through urgent insistence or repetition to use their professional services ; and

(11) failing to inform the Order that they have reason to believe that a veterinary surgeon is incompetent or in breach of the Professional Code or a regulation under the Code.

§2. *Relations with the Order and other veterinary surgeons*

55. Veterinary surgeons shall, as soon as possible, answer all correspondence from the secretary of the Order, the syndic, an assistant syndic, a corresponding syndic, a member, an investigator or the secretary of the professional inspection committee in the exercise of the functions assigned to them by the Act or regulations.

56. Veterinary surgeons shall not betray the good faith of another veterinary surgeon, member of the Bureau, the syndic, an assistant syndic, a corresponding syndic, an investigator, an inspector or the secretary of the professional inspection committee, or commit a breach of trust or engage in dishonest practices in respect of any of those persons.

57. Veterinary surgeons shall not use a decision made by the committee on discipline to attack the reputation of a veterinary surgeon or to prejudice relationships between a veterinary surgeon and his or her client or employer.

58. Veterinary surgeons consulted by another veterinary surgeon shall give their opinion and recommendations within a reasonable time.

59. Veterinary surgeons consulted by another veterinary surgeon shall not contact the client again without the authorization of the other veterinary surgeon.

60. Veterinary surgeons shall not help, allow or induce an unauthorized person to perform acts exclusive to the profession or another profession and shall report any situation of illegal practice to the competent authorities.

§3. *Contribution to the advancement of the profession*

61. Veterinary surgeons shall, insofar as possible, contribute to the advancement and development of the profession by exchanging knowledge and experience with other veterinary surgeons, students and trainees and by participating in continuing education courses and training programs.

DIVISION V**DUTIES TOWARDS ANIMALS**

62. Veterinary surgeons shall provide the necessary care to the animal or animals placed in their care and shall at all times demonstrate the highest concern for their safety.

63. Veterinary surgeons shall refuse to perform any procedure that could endanger the well-being of the animal or animals or that, in their opinion, involves undue suffering.

64. Veterinary surgeons may not lend or use an animal or animals for purposes other than those for which they were placed in their care. In particular, except for an exceptional reason, veterinary surgeons shall obtain the consent of the client before parting with an animal or animals placed in their care by the client.

65. Veterinary surgeons shall report to the competent authorities any situation in which they become aware that an animal or animals have been mistreated.

DIVISION VI**FINAL**

66. This Code replaces the Code of ethics of veterinary surgeons, approved by Order in Council 1149-93 dated 18 August 1993.

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