

Regulations and other acts

Gouvernement du Québec

O.C. 389-2004, 21 April 2004

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

Nursing assistants — Code of ethics — Amendments

Regulation to amend the Code of ethics of nursing assistants

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under the first paragraph of that section of the Professional Code, the code of ethics must contain provisions determining which acts are derogatory to the dignity of the profession;

WHEREAS, under the first paragraph of that section of the Professional Code, the code of ethics must contain 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, and provisions concerning a professional's obligation to release documents to his or her client;

WHEREAS, under the second paragraph of that section of the Professional Code, the code of ethics must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4 of the Code;

WHEREAS the Bureau of the Ordre des infirmières et infirmiers du Québec made the Regulation to amend the Code of ethics of nursing assistants;

WHEREAS, pursuant to section 95.3 of the Professional Code, the secretary of the Order sent a draft of the Regulation to every member of the order at least 30 days before it was made by the Bureau;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 26 November 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days from that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of nursing assistants, the text of which is attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

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; and

* 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.

(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 to 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.

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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