

Gouvernement du Québec

O.C. 502-2004, 26 May 2004

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

**Acupuncturists
— Code of ethics**

Code of ethics of acupuncturists

WHEREAS, under the first paragraph of 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 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;

WHEREAS, in accordance with section 87 of the Professional Code, the Bureau of the Ordre professionnel des acupuncteurs du Québec made the Code of ethics of acupuncturists;

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 sections 10 and 11 of 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 10 September 2003, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office des professions du Québec has received no comments following 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 Code of ethics of acupuncturists, the text of which is attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Code of ethics of acupuncturists

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

**CHAPTER I
GENERAL**

1. This Code, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), governs the general and special duties that acupuncturists must discharge.

**CHAPTER II
DUTIES TOWARDS PATIENTS, THE PROFESSION
AND THE PUBLIC**

**DIVISION I
COMPETENCE AND INTEGRITY**

2. Acupuncturists shall discharge their professional duties with competence and integrity.

3. The primary duty of acupuncturists is to protect the health and well-being of the persons to whom care is given, both individually and collectively.

4. Acupuncturists shall practise their profession in accordance with the generally recognized standards of practice in the field of acupuncture. To that end, they shall, in particular, keep up-to-date and improve their knowledge as well as develop their proficiency, skills and attitudes.

5. Before accepting to render professional services, acupuncturists shall consider the extent of their competence and the means at their disposal. They shall refrain from guaranteeing the healing of any health condition.

6. In addition to the provisions of section 54 of the Professional Code, acupuncturists shall refrain from practising their profession or from performing certain professional acts in a condition or in a state that may compromise the quality of their services.

7. Where acupuncturists forward information that they know to be incomplete or preliminary or where they doubt the reliability of the information, they shall so notify the recipients.

8. Acupuncturists shall, in the practice of their profession, show respect for the life, dignity and freedom of human beings. No acupuncturist may refuse to provide professional services if a patient's life is in danger.

9. Acupuncturists shall consider all the foreseeable consequences that their research and work may have on society.

10. The conduct of acupuncturists must be irreproachable.

They shall, in particular, act with courtesy, dignity, moderation and objectivity.

DIVISION II IMPARTIALITY AND INDEPENDENCE

11. Acupuncturists shall subordinate their personal interests to those of their patients.

12. Acupuncturists shall safeguard their professional independence at all times. They shall, in particular, ignore any intervention by a third party which could affect the carrying out of their professional obligations and be prejudicial to their patients.

13. Except for the remuneration to which they are entitled, acupuncturists shall refrain from receiving any benefit, commission or discount relating to the practice of their profession. Nor shall they pay, offer to pay or agree to pay such benefit, commission or discount.

DIVISION III DILIGENCE AND AVAILABILITY

14. Acupuncturists shall demonstrate reasonable diligence and availability.

15. Unless they have sound and reasonable grounds therefor, acupuncturists may not terminate the professional services they provide to a patient.

The following in particular constitute sound and reasonable grounds:

- (1) loss of the patient's confidence;
- (2) lack of cooperation on the part of the patient to participate in his or her treatment;
- (3) personality conflict between the acupuncturist and the patient;
- (4) conflict of interest or any situation in which their professional independence might be called into question; and

(5) inducement by the patient to perform acts that he or she knows to be illegal, improper or fraudulent.

16. Before ceasing to provide professional services to a patient, an acupuncturist shall so inform the patient and make sure that the withdrawal will not be prejudicial to the patient.

The acupuncturist shall ensure that the patient can continue to receive the professional services needed and shall contribute to such services to the extent necessary.

DIVISION IV FEES

17. Acupuncturists shall charge fair and reasonable fees.

Fees are considered fair and reasonable if they are warranted by the circumstances and proportionate to the professional services provided.

18. To determine the amount of their fees, acupuncturists shall, in particular, consider the following factors:

- (1) their experience;
- (2) the time required to carry out the professional services;
- (3) the complexity and extent of the professional services; and
- (4) the need to perform unusual professional services or services requiring exceptional celerity or competence.

19. Acupuncturists shall, as soon as possible, inform their patients of the approximate cost, nature and method of providing the professional services required and obtain their agreement in that respect.

20. No acupuncturist may require advance payment of fees for professional services.

21. Acupuncturists may not claim payment from their patients for professional services paid for by a third party under a law unless under such law they have concluded an express agreement with their patients.

22. Acupuncturists who provide professional services with another acupuncturist may share fees only in the proportion of services rendered by each of them and according to their respective responsibility.

23. Acupuncturists who entrust their fee collection to another person shall ensure that the latter will act with tact and moderation.

DIVISION V LIABILITY

24. Acupuncturists shall assume full personal civil liability.

It is prohibited for acupuncturists to insert in a contract of professional services any clause excluding, directly or indirectly, in whole or in part, that liability. They may not sign a contract containing such a clause.

DIVISION VI ADDITIONAL DUTIES

25. If the good of the patient so requires, acupuncturists shall consult another member of the Order, a member of another professional order or any other qualified person, or refer the patient to one of those persons.

26. Acupuncturists shall, at all times, recognize a patient's right to consult with another member of the Order, a member of another professional order or any other qualified person.

27. Acupuncturists shall provide patients with, in addition to opinions and advice, the explanations necessary to evaluate and understand the professional services they are providing.

28. Acupuncturists shall seek to establish and maintain a relationship of trust with their patients.

29. No acupuncturist shall use physical, verbal or psychological abuse against his or her patients.

30. Acupuncturists shall refrain from intervening in the personal affairs of their patients on subjects not falling within their areas of professional expertise.

DIVISION VII RESEARCH

31. Before undertaking a research project, acupuncturists shall evaluate its possible repercussions on the participants. In particular they shall

(1) consult any person likely to help them in deciding whether to undertake the research or in taking measures intended to eliminate any risk to participants;

(2) ensure that all those working with them on the project share their concern for the full respect of the participants; and

(3) obtain the written consent of the participants or persons legally responsible for them, after informing them of all the foreseeable, major, special or unusual

risks inherent in the research, and of any other aspects likely to help them in their decision regarding their participation.

32. Acupuncturists shall be honest and frank in their dealings with participants. If the methodology followed makes it imperative that certain aspects of the project not be disclosed immediately, acupuncturists shall give the participants the reasons for this measure as soon as possible after the experiment.

33. No acupuncturist shall force a person to take part in research or to maintain that participation.

DIVISION VIII DEROGATORY ACTS

34. In addition to the acts referred to in sections 59 and 59.1 of the Professional Code and the act that may be determined pursuant to subparagraph 1 of the second paragraph of section 152 of the Code, the following acts are derogatory to the dignity of the profession:

(1) practising the profession of acupuncturist while under the influence of alcoholic beverages, hallucinogens, anaesthetics, narcotics, drugs or any other substance causing reduced or disturbed faculties, unconsciousness or intoxication;

(2) submitting a report or any other document that the acupuncturist knows to be false;

(3) failing to report to the Order, without delay, any person appropriating the title of acupuncturist;

(4) failing to report to the Order, without delay, any person practising acupuncture illegally;

(5) communicating with or attempting to intimidate the person who requested the holding of an inquiry without the prior written permission of a syndic, where the acupuncturist has been informed that he or she is the object of an inquiry or has been served with a complaint against him or her;

(6) marketing, selling, distributing or participating, for profit, in the distribution of material, substances or equipment related to an acupuncturist's professional activity, except

(a) in respect of a sale that addresses the immediate needs of a patient and is required for the acupuncture treatment but that is not included in the regular price for the treatment; the patient must in that event be notified of any profit realized by the acupuncturist in the sale; and

(b) where the acupuncturist's commercial activities are clearly separate from the acupuncture practice and the acupuncturist's professional title is not associated with the commercial activities; the patient must, in that event, be notified thereof;

(7) using his or her name or allowing it to be used for commercial purposes; and

(8) performing acts that are not required or that are disproportionate to the patient's needs or performing any unnecessary or superfluous professional acts.

DIVISION IX CONFIDENTIAL INFORMATION

35. For the purposes of preserving the secrecy of confidential information brought to their knowledge in the practice of their profession, acupuncturists shall

(1) refrain from disclosing that a person has requested their professional services;

(2) avoid holding or participating in indiscreet conversations concerning patients and the services provided to them;

(3) refrain from making use of confidential information to the detriment of a patient or with a view to obtaining, directly or indirectly, a benefit for themselves or another person; and

(4) take reasonable means with respect to their associates, employees and the personnel working with them to preserve the secrecy of confidential information.

36. Acupuncturists may communicate information that is protected by professional secrecy in order to prevent an act of violence, including a suicide, where they have 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, acupuncturists may only communicate the information to a person exposed to the danger or that person's representative, or to the persons who can come to that person's aid.

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

37. An acupuncturist who, pursuant to section 36, communicates information protected by professional secrecy to prevent an act of violence shall

(1) communicate the information without delay; and

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

(a) the date and time of the communication;

(b) the reasons supporting the decision to communicate the information; and

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

DIVISION X RIGHTS OF ACCESS TO OR CORRECTION OF INFORMATION AND RELEASE OF DOCUMENTS

§1. *General*

38. Acupuncturists may require that a request referred to in section 40, 43 or 46 be made and the right of access to or correction of information or the release of documents be exercised at their professional domicile during their regular working hours.

39. If they fail to reply within 20 days of receiving a request referred to in section 40 or 43, acupuncturists are deemed to have refused to grant the request.

§2. *Terms and conditions of the exercise of the right of access*

40. Acupuncturists shall respond promptly, at the latest within 20 days of its receipt, to any request made by patients whose purpose is

(1) to consult documents that concern them in any record made in their respect; or

(2) to obtain a copy of the documents that concern them in any record made in their respect.

41. Acupuncturists may, with respect to a request referred to in paragraph 2 of section 40, charge to the patient reasonable fees not exceeding the cost for reproducing or transcribing documents or the cost for transmitting a copy.

Acupuncturists who charge such fees shall, before proceeding with the copying, transcribing or transmitting of the information, inform the patient of the approximate amount to be paid.

42. Acupuncturists who, pursuant to the second paragraph of section 60.5 of the Professional Code, refuse to allow a patient to have access to the information contained in a record established in the patient's respect shall notify the patient in writing that the disclosure would be likely to cause serious harm to the patient or to a third party.

§3. Terms and conditions of the exercise of the right of correction

43. Acupuncturists shall respond promptly, at the latest within 20 days of its receipt, to any request made by a patient to

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

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

(3) file in the record established in the patient's respect the written comments made by the patient.

44. Acupuncturists who grant a request referred to in section 43 shall issue to the patient, free of charge, a copy of the document or part of the document allowing the patient to determine that the information has been corrected or deleted or, as the case may be, an attestation that the written comments made by the patient have been filed in the record.

45. Upon written request from the patient, the acupuncturist shall send a copy, free of charge, of corrected information or an attestation that the information has been deleted or, as the case may be, that written comments have been filed in the record to any person from whom the acupuncturist received the information that was subject to the correction, deletion or comments and to any person to whom the information was communicated.

§4. Release of documents to patients

46. Acupuncturists shall respond promptly to any written request made by a patient, for the purpose of taking back a document entrusted to them by a patient.

Acupuncturists shall indicate in the patient's record, where applicable, the reasons supporting the patient's request.

47. Acupuncturists shall, within a reasonable time, provide a patient or anyone designated by the patient, on demand, with all the documents which would allow them to obtain a benefit to which they might be entitled.

DIVISION XI
ADVERTISING

48. Acupuncturists shall have their name and professional title appear in their advertising.

49. No acupuncturist shall, by any means whatsoever, engage in or allow the use of advertising that is unsuitable, false, incomplete, misleading or likely to be misleading.

50. Acupuncturists who, in their advertising, claim to possess skills or specific qualities, particularly in respect of the effectiveness or scope of their services and of those generally provided by other members of their profession or in respect of their level of competence, must be able to substantiate such claims.

Acupuncturists who, in their advertising, ascribe particular advantages to a service or certain performance characteristics, claim that a pecuniary benefit will result from the use of a service or claim that a service complies with determined standards must be able to substantiate such claims.

51. In the practice of their profession, no acupuncturist shall use advertising practices that are likely to denigrate or discredit any person they have dealings with, in particular another member of the Order or a member of another professional order.

52. Acupuncturists shall ensure that their advertising will not tarnish the image of the profession or impart to it a profit-seeking or mercantile character.

53. No acupuncturist shall advertise or allow to be advertised on his or her behalf or in his or her respect, by any means whatsoever, a product or equipment related directly or indirectly to the health sector.

54. No acupuncturist shall engage in advertising or allow advertising on his or her behalf or in his or her respect, by any means whatsoever, that is likely to influence persons who may be physically or emotionally vulnerable because of their age, their state of health, or the occurrence of a specific event.

55. Acupuncturists who express an opinion on acupuncture through any public information media shall inform the public of the generally accepted opinions on acupuncture on the issue dealt with and convey factual, exact and verifiable information.

56. Acupuncturists who advertise fees or prices shall

- (1) set fixed fees or prices;
- (2) indicate the period during which those fees or prices are in effect;
- (3) specify the nature and scope of the professional services included in the fees or prices;
- (4) indicate, as the case may be, whether additional professional services may be required that are not included in the fees or prices; and
- (5) indicate whether additional expenses are included in the fees or prices.

Those indications and explanations must be given in such manner as to reasonably inform persons who have no particular knowledge of acupuncture or the professional services covered by the advertisement.

Acupuncturists shall keep those fees or prices in effect for a minimum period of 90 days following the date on which they were last broadcast or published.

Acupuncturists and patients may however agree on fees or prices lower than those broadcast or published.

57. Acupuncturists shall keep a complete copy of their advertisement or that of their associates in its original form for at least five years following the date it was last authorized to be broadcast or published.**58.** Acupuncturists who reproduce the graphic symbol of the Order in their advertising shall ensure that it is identical to the original held by the secretary of the Order.**59.** Acupuncturists who use the graphic symbol of the Order in their advertising, except on business cards, shall include the following disclaimer:

“This is not an advertisement of the Ordre professionnel des acupuncteurs du Québec, and engages the liability of its author only.”.

DIVISION XII

RELATIONS WITH THE ORDER, OTHER PROFESSIONALS AND OTHER PERSONS

60. An acupuncturist who is consulted by another member of the Order by reason of a particular competence on a given matter shall provide the latter with an opinion and recommendations as promptly as possible.**61.** An acupuncturist whom the Bureau or the administrative committee of the Order calls upon to be a member of the professional inspection committee, the committee on discipline, the review committee established under section 123.3 of the Professional Code or the council for the arbitration of accounts established pursuant to the provisions of the Regulation made under section 88 of the Code shall, if possible, accept that duty.**62.** Acupuncturists shall cooperate with any person they have dealings with in the practice of their profession, in particular with the other members of the Order and the members of other professional orders, and shall endeavour to establish and maintain harmonious relations.**63.** No acupuncturist shall, with respect to any person with whom he or she has dealings in the practice of the profession, in particular another member of the Order or a member of another professional order, breach the person's trust, voluntarily mislead the person, betray good faith or use unfair practices.

No acupuncturist shall take credit for work performed by another person, particularly by another member of the Order.

An acupuncturist shall refrain from soliciting the clientele of another acupuncturist with whom he or she was called upon to collaborate.

64. Any acupuncturist who has reason to believe that another acupuncturist practises his or her profession incompetently or dishonestly, or is contravening the provisions of the Professional Code, the Act respecting acupuncture (R.S.Q., c. A-5.1) or the regulations thereunder, in particular the provisions of this Code, shall so inform the secretary of the Order.**65.** An acupuncturist who holds a position within the Order or who is called upon to collaborate with the Order shall avoid any situation of conflict of interest.**66.** Acupuncturists shall reply promptly to all correspondence from the secretary of the Order or a syndic and from a member of the professional inspection committee, an investigator or an inspector of the committee.

DIVISION XIII

CONTRIBUTION TO THE PROFESSION

67. Acupuncturists shall, insofar as possible, contribute to the development of the profession by sharing their knowledge and experience with the other members of the Order and students.

68. Acupuncturists shall promote education and information measures in the field in which they practise. They shall also perform the necessary acts to ensure that such education and information duties relating to the field are carried out.

69. Acupuncturists shall support every measure likely to improve the quality and availability of professional services in the field in which they practise.

CHAPTER III FINAL

70. Sections 30 to 32, 35, 38 to 40, 42 to 45, 47 to 51 and 52.1 of the Regulation respecting the practice of acupuncture by persons other than physicians, approved by Order in Council 1299-85 dated 26 June 1985 and maintained in force by the first paragraph of section 41 of the Act respecting acupuncture, cease to apply on the date of coming into force of this Code.

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

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Gouvernement du Québec

O.C. 504-2004, 26 May 2004

An Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2)

Renewal of the program for the delegation of the management of lands and the agreement respecting the transfer to the regional county municipalities in the Saguenay–Lac-Saint-Jean region and Ville de Saguenay of responsibilities regarding forest management

WHEREAS, by Order in Council 891-96 dated 10 July 1996, the Government approved the Programme relatif à une délégation de gestion de terres du domaine public en faveur de municipalités régionales de comté de la région administrative du Saguenay–Lac-Saint-Jean, pursuant to section 17.13 of the Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2);

WHEREAS, by Order in Council 362-97 dated 19 March 1997, the Government authorized the Minister of Natural Resources to sign an agreement respecting the transfer to the regional county municipalities in the Saguenay–Lac-Saint-Jean region, on an experimental basis, of responsibilities regarding public forest management and land regulations, pursuant to article 10.5 of the Municipal Code of Québec (R.S.Q., c. C-27.1);

WHEREAS, on 1 April 1997, the Minister of Natural Resources signed, in accordance with the program and the agreement, land management agreements to entrust, for and on behalf of the Government, powers and responsibilities regarding planning, land management, land regulations and forest management to each of the four regional county municipalities in the administrative region of Saguenay–Lac-Saint-Jean;

WHEREAS the Act respecting the Ministère des Ressources naturelles was amended by chapter 93 of the Statutes of 1997 to authorize in particular a delegation regarding land regulations;

WHEREAS, on 24 August 2000, the Government, by Order in Council 997-2000, replaced the Programme relatif à une délégation de gestion de terres du domaine public en faveur de municipalités régionales de comté de la région administrative du Saguenay–Lac-Saint-Jean, in order to include a delegation regarding land regulations in the program;

WHEREAS that Order in Council extended the term of the agreement respecting the transfer to the regional county municipalities in the Saguenay–Lac-Saint-Jean region, on an experimental basis, of responsibilities regarding public forest management and land regulations to 1 April 2002;

WHEREAS the Government made Order in Council 394-2002 dated 27 March 2002 which renewed until 1 April 2004 the program for the delegation of the management of lands in the domain of the State to regional county municipalities in the administrative region of Saguenay–Lac-Saint-Jean and the agreement respecting the transfer to the regional county municipalities in the Saguenay–Lac-Saint-Jean region, on an experimental basis, of responsibilities regarding public forest management and land regulations;

WHEREAS article 10.5 of the Municipal Code of Québec was amended by section 36 of chapter 77 of the Statutes of 2002 in particular to delete the concept of experimental basis;

WHEREAS it is expedient to renew the program until 1 April 2005 and to enter into an agreement under article 10.5 of the Municipal Code of Québec on the same terms and conditions as those provided for in the agreement under Order in Council 362-97 dated 19 March 1997, to have effect until 1 April 2005;

WHEREAS to do so it is expedient to amend Order in Council 394-2002 dated 27 March 2002;