

3° shall use any reasonable means with respect to persons working with him to ensure that professional secrecy is preserved;

4° shall refrain from disclosing any facts or confidences brought to his attention or of which he has become aware except with his patient's written authorization or where statutorily mandated;

5° shall refrain from disclosing that any person has required his services where he is thereby liable to prejudice the said person, unless such disclosure is required due to the nature of the matter at issue.

3.06.04 Whenever a dentist asks a patient to disclose any confidential information to him or whenever any such information is entrusted to him, he shall make sure that said patient is fully aware of the different ways in which said information can be used.

3.06.05 A dentist shall report to the directeur de la protection de la jeunesse any situation in respect of which he has reasonable grounds to believe that the safety or development of a child is or may be considered to be compromised; he shall thereupon provide the directeur with any information he deems relevant in order to protect that child.

A dentist may also personally report to police authorities any situation in which he deems that the physical integrity or life of a child is likely to be compromised.

3.06.06 Notwithstanding sections 3.06.01, 3.06.02 and 3.06.03 and subject to section 3.06.04, a dentist may communicate confidential information without a patient's consent in any of the following cases:

1° where statutorily mandated;

2° in order to prevent any accident, where there are reasonable grounds to believe that a patient intends to engage in activities that he is unable to bring to fruition owing to lack of physical fitness and where his own physical integrity or that of others could possibly be impaired as a result;

3° in order to prevent any act of violence, including suicide, in cases where there are reasonable grounds to believe that an identifiable person or group of persons is in impending danger of death or serious injury.

3.06.07 Any communication contemplated by section 3.06.06 shall:

1° be relayed in due time, making it possible to forestall the abovementioned events, more particularly considering the time that has elapsed since the information forming the subject thereof was brought to the dentist's attention;

2° contain only those details that are required for the purposes sought by the communication;

3° be intended only for the person or persons in jeopardy, their representative, persons likely to give them assistance or for any authority capable of intervening so as to forestall the abovementioned events;

4° form the subject of a note in the patient's record, stating the name and coordinates of any person to whom it has been relayed."

2. The present by-law shall come into force on the fifteenth day following the day on which it is published in the *Gazette officielle du Québec*.

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Draft Regulation

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

Dispensing opticians — Code of ethics — Amendment

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 dispensing opticians, made by the Bureau of the Ordre des opticiens d'ordonnances 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.

According to the Ordre des opticiens d'ordonnances du Québec, the purpose of the Regulation is to provide for the conditions under which a dispensing optician may communicate information referred to in section 60.4 of the Professional Code, to ensure the protection of individuals. The Order expects no other impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Linda Samson, President and Acting Director General of the Ordre des opticiens d'ordonnances du Québec, 3446, rue Saint-Denis, bureau 201, Montréal (Québec) H2X 3L3; telephone: (514) 288-7542; fax: (514) 288-5982.

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 forwarded to the professional order that made the Regulation and to the interested persons, departments and other bodies.

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

Regulation to amend the Code of ethics of dispensing opticians*

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

1. The Code of ethics of dispensing opticians is amended by inserting the following after section 3.06.07:

“3.06.08. A dispensing optician 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 to the person exposed to the danger, to that person's representative, and to the persons who can come to that person's aid;

(2) enter the following in the client's record:

(a) the date and time of the communication;

(b) the nature of the information communicated;

(c) the identity of the person exposed to the danger;

(d) the identity of the person who communicated the information;

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

(f) the date on which the dispensing optician gave a notice to the syndic; and

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

2. 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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* The Code of ethics of dispensing opticians (R.R.Q., 1981, c. O-6, r.3) was last amended by the regulation approved by Order in Council 1071-95 dated 9 August 1995 (1995, *G.O.* 2, 2678). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.