

## Draft Regulations

### Draft regulation

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

#### Dentists

— 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 dentists, made by the Bureau of the Ordre des dentistes 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 members of the Ordre des dentistes du Québec to specify the rules to preserve the professional secrecy of confidential information given to the members of the Order in the course of their practice. In addition the Regulation completes the Code to introduce 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 latter 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 Order expects the amendments to have no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Caroline Daoust, Secretary and Executive Director of the Ordre des dentistes du Québec, 625, boulevard René-Lévesque Ouest, 15<sup>e</sup> étage, Montréal (Québec) H3B 1R2; telephone 1 800 361-4887; fax (514) 393-9248.

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<sup>e</sup> 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 dentists\*

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

**1.** The Code of ethics of dentists is amended by replacing sections 3.06.01 to 3.06.06 with the following:

“**3.06.01** A dentist shall respect the secrecy of any confidential information coming to his knowledge in the discharge of his professional duties.

**3.06.02** A dentist may be released from professional secrecy only with his patient's authorization or where statutorily mandated.

**3.06.03** For the purpose of preserving professional secrecy, a dentist:

1° shall keep confidential what has come to his knowledge in the discharge of his professional duties;

2° shall refrain from having, or from taking part in, any indiscreet conversation relating to any patient or to any services rendered to the latter and from disclosing that any person has required his services;

\* The Code of ethics of dentists (R.R.Q., 1981, c. D-3, r.4) was last amended by the regulation approved by Order in Council 922-2002 dated august 2002 (2002, *G.O.* 2, 5975). For previous amendments, refer to the Tableau des modifications et index sommaire, Éditeur officiel du Québec, 2004, updated to 1 march 2004.

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.