

8. The said code is amended by inserting, after section 31, the following section:

“**31.1** A nurse who, in accordance with the third paragraph of section 60.4 of the Professional Code, communicates information that is protected by professional secrecy, shall enter the following in the client’s record:

(1) the reasons supporting the decision to communicate the information, including the identity of the person who caused the nurse to communicate the information and the identity of the person or group of persons exposed to the danger;

(2) the elements of the communication including the date and time of the communication, the content of the communication, the mode of communication used and the identity of the person to whom the communication was made.”.

9. The said code is amended by inserting, after section 41, the following section:

“**41.1** In connection with any research, a nurse must, in regard to each of the research subjects or their legal representative, ensure:

(1) that the subject is informed of the research project’s objectives and the manner in which it will be conducted, the advantages, risks or disadvantages for him, and the advantages provided by the usual care, if applicable;

(2) that a free and enlightened consent is obtained in writing from the subject before he begins participating in the research or when there is any significant change in the research protocol;

(3) that the research subject is informed that his consent is revocable at any time.”.

10. Section 44 of the said code is amended by inserting, in the part preceding paragraph (1), after “treatment provided to the client”, “or to the research subject”.

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

6905

Gouvernement du Québec

O.C. 580-2005, 15 June 2005

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

Dentists
— **Code of ethics**
— **Amendment**

Regulation to amend the Code of ethics of dentists

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 of the Code;

WHEREAS, in accordance with section 87 of the Professional Code, the Bureau of the Ordre professionnel des dentistes du Québec made the Regulation to amend the Code of ethics of dentists;

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 21 July 2004, 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 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 Regulation to amend the Code of ethics of dentists, 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 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 by the following:

“**3.06.01.** Every dentist must preserve the secrecy of all confidential information that becomes known to the dentist in the practice of the profession.

3.06.02 A dentist may be released from the obligation to preserve professional secrecy only with the patient’s authorization or where so ordered by law.

3.06.03 To preserve professional secrecy, a dentist shall

(1) maintain the confidentiality of all information that becomes known to the dentist in the practice of the profession;

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

(3) take reasonable measures to ensure that the persons working with the dentist preserve professional secrecy;

(4) refrain from disclosing facts or confidences that become known to the dentist, except with the patient’s written authorization or where so ordered by law; and

(5) refrain from disclosing the fact that a person has requested the dentist’s services where that fact is likely to cause harm to the person, unless the nature of the matter requires it.

3.06.04 Where a dentist requests confidential information from a patient or becomes aware of confidential information, the dentist shall ensure that the patient is fully aware of the uses that may be made of the information.

3.06.05 A dentist shall report to the Director of Youth Protection any situation in respect of which the dentist has reasonable grounds to believe that the security or development of a child is or may be considered to be in danger within the meaning of sections 38 and 38.1 of the Youth Protection Act (R.S.Q., c. P-34.1); the dentist shall provide the director with any information the dentist considers relevant in order to protect the child.

3.06.06 In addition to the circumstances referred to in section 3.06.02, a dentist may communicate information that is protected by professional secrecy in order to prevent an act of violence, including a suicide, where the dentist has 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, a dentist may only communicate the information to the person or persons exposed to the danger or the person’s representative and to the persons who can come to the person’s aid.

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

3.06.07 A dentist who, pursuant to section 3.06.06, communicates information protected by professional secrecy to prevent an act of violence must:

(1) communicate the information in timely fashion so that it is possible to prevent the events; and

(2) enter the following particulars in the patient’s record:

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

(b) the content of the communication, the mode of communication, the name and particulars of the person to whom the information was given, and the date and time of the communication.”

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

* 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 21 August 2002 (2002, G.O. 2, 4567). For previous amendments, refer to the *Tableau des modifications et index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.