

39.5. On written request from the patient, an optometrist must forward a copy, free of charge, of the corrected information or an attestation stating that the information has been deleted or, where applicable, that the written comments have been filed in the record, to every person from whom the optometrist received the information that was the subject of the correction, deletion or comments, and to every person to whom the information was communicated.

39.6. An optometrist who denies a patient access to information contained in a record established in the patient's respect or who refuses to grant a request to correct or delete information must provide the patient with written justification explaining his refusal, enter the written justification in the record and inform the patient of his recourses.

39.7. An optometrist must respond promptly to any written request from a patient to have a document returned to the patient.”.

14. Section 51.01 of this Code is amended by the addition, at the end, of the following clause:

“No optometrist shall allow a partnership or company within which he carries on his professional activities to engage in, by any means whatsoever, advertising that is false, deceitful, incomplete or liable to be misleading.”.

15. Section 52 of this Code is amended by adding, at the end, the following paragraphs:

“9. failing to promptly notify the secretary of the Order where, pursuant to the Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3), an optometrist or the partnership or company within which he carries on his professional activities has made an assignment of property for the benefit of his creditors, is the subject of a receiving order, or has made a proposal that has been rejected by his creditors or dismissed or annulled by the court;

10. carrying on his professional activities within, or having an interest in, a partnership or company whose name compromises the dignity of the optometrist profession or with a person who, to the optometrist's knowledge, acts in a manner that compromises the dignity of the optometrist profession;

11. carrying on his professional activities within, or having an interest in a partnership or company, where a partner, shareholder, director, manager, officer or employee of the partnership or company, has been suspended for more than 3 months or whose professional permit has been revoked, unless the partner, shareholder, director, manager, officer or employee:

(a) ceases to occupy the position of director, officer or manager within the company within 15 days of the date on which his suspension or the revocation of his permit takes effect;

(b) ceases to attend shareholder meetings and to exercise his voting right within 15 days of the date on which his suspension or the revocation of his permit takes effect;

(c) disposes of his voting shares or transfers them to a trustee within 15 days of the date on which his suspension or the revocation of his permit takes effect.”.

16. This regulation comes into force on the fifteenth day after its publication in the *Gazette officielle du Québec*.

8180

Draft Regulation

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

Pharmacists — Code of ethics

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 pharmacists, adopted by the Bureau of the Ordre des pharmaciens du Québec, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

According to the Order, the purpose of the draft Regulation is to streamline the Code of ethics of pharmacists and reinforce the duties and obligations pharmacists have towards their clients, the public and the profession as a means of ensuring better protection of the public.

The Order advises that the Regulation will have no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Manon Bonnier, Assistant Secretary General of the Ordre des pharmaciens du Québec, 266, rue Notre-Dame Ouest, bureau 301, Montréal (Québec) H2Y 1T6; telephone: 514 284-9588 or 1 800 363-0324; fax: 514 284-3420.

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 communicated to the professional order that adopted the Regulation, as well as to interested persons, departments and bodies.

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

Code of ethics of pharmacists

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

CHAPTER I GENERAL

1. This Code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties and obligations that must be discharged by every member of the Ordre des pharmaciens du Québec.

2. For the purpose of this Regulation, unless indicated otherwise,

(1) “pharmaceutical services” means services provided by a pharmacist in the practice of pharmacy; and

(2) “partnership or joint-stock company of pharmacists” means a limited liability partnership or a joint-stock company constituted in accordance with the Regulation respecting the practice of pharmacy in a partnership or joint-stock company (*insert the number and date of the order approving the Regulation*) and a general partnership.

CHAPTER II GENERAL DUTIES OF PHARMACISTS

3. Pharmacists may not exempt themselves, even indirectly, from a duty or obligation contained in this Code.

4. Pharmacists must take reasonable measures to ensure that persons who collaborate with them in the practice of pharmacy and who are not pharmacists comply with the Pharmacy Act (R.S.Q., c. P-10), the Professional Code and their regulations.

5. No pharmacist may induce or cause another person to perform an act which, if performed by a pharmacist, would place the pharmacist in contravention of this Code, the Pharmacy Act, the Professional Code or their regulations, or allow another person to do so.

6. The primary duty of pharmacists is to protect and promote the health and well-being of their patients; they must help their patients reap all possible benefits from their medication therapy.

7. Pharmacists must prevent the misuse of medication.

8. Pharmacists must practise having due respect for fundamental human rights and freedoms.

9. When providing pharmaceutical services to patients, pharmacists must refrain from collaborating with a person other than those referred to in section 39 or a person to whom a regulation made pursuant to subparagraph *a* of the first paragraph of section 10 of the Pharmacy Act refers.

10. Pharmacists must ignore any intervention likely to affect their professional independence.

11. No pharmacist may, in the practice of pharmacy, exclude or attempt to exclude their personal civil liability towards patients, or that of the partnership or joint-stock company of pharmacists within which they practise.

12. Pharmacists must ensure that none of the activities they engage in in connection with an office or an enterprise, and that does not constitute the practice of pharmacy, compromises compliance with their obligations of professional conduct, including the duty to preserve the honour, dignity and integrity of the profession.

13. Pharmacists must, to the extent possible for them to do so, contribute to the development of pharmacy by sharing their knowledge and experience, in particular with other pharmacists, pharmacy students and interns, and by participating in activities and continuing training courses and training periods.

14. Pharmacists must refrain from the immoderate use of psychotropic substances or any other substance, including alcohol, producing similar effects.

15. Pharmacists must implement in their pharmacy the safety measures necessary to protect the confidentiality of personal information and the integrity of inventories and medications.

CHAPTER III DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

16. Pharmacists must collaborate with other pharmacists to ensure reasonable availability and continuity of pharmaceutical services in the locality or area in which they practise.

17. Pharmacists must, when a reasonable request is personally made to them by a natural person, safely recover expired or unused medications and medical instruments that were used in administering or monitoring the use of medications and that are likely to have been contaminated by biological fluids. Their destruction must comply with the environmental protection laws in force.

18. In public statements concerning the practice of pharmacy, pharmacists must rely on scientifically acceptable data and recognized professional standards, and avoid exaggeration.

19. Pharmacists must be judicious in their use of health care resources. To that end, they must encourage the optimal use of medications.

20. Pharmacists must promote measures intended to educate and inform the public. Unless they have sound reasons for acting otherwise, they must

(1) use their professional knowledge to protect and promote public health;

(2) support every measure aimed at improving public health; and

(3) collaborate in the dissemination of information on any policy intended to promote public health.

CHAPTER IV DUTIES AND OBLIGATIONS TOWARDS THE PATIENT

DIVISION I QUALITY OF THE PROFESSIONAL RELATIONSHIP

21. Pharmacists must conduct themselves in a manner beyond reproach in dealing with every person with whom they establish a relationship in the practice of pharmacy.

22. Pharmacists must refrain from taking advantage of the professional relationship established with patients.

23. Pharmacists must seek to establish and maintain a relationship of trust with patients and refrain from practising in an impersonal manner.

24. No pharmacist may take advantage or attempt to take advantage of the state of dependence or vulnerability of a person to whom pharmaceutical services are provided.

No pharmacist may conspire with a third person in any manner to provide pharmaceutical services to a person in a state of dependence or vulnerability.

25. No pharmacist may interfere in the personal affairs of patients in matters unrelated to the field of health.

26. Pharmacists must, where their personal convictions may prevent them from recommending or providing pharmaceutical services that may be appropriate, so inform their patients and explain the possible consequences of not receiving the services. Pharmacists must then offer to help the patients find another pharmacist.

DIVISION II FREEDOM OF CHOICE

27. Pharmacists must acknowledge the patient's right to choose his or her pharmacist; they must also respect the patient's right to consult another pharmacist, professional or other qualified person. They may not make any agreement which could affect those rights.

DIVISION III AVAILABILITY AND DILIGENCE

28. Pharmacists must demonstrate reasonable availability and diligence in the practice of pharmacy.

29. Despite section 26, pharmacists may not refuse to provide pharmaceutical services if a patient's life is in danger or if such a refusal would likely cause serious harm to the patient's health.

30. Pharmacists may not refuse to provide pharmaceutical services to a patient on the basis of race, colour, sex, pregnancy, sexual orientation, civil status, age, religion, political convictions, language, ethnic or national origin, social condition or a handicap.

31. Unless they have sound and reasonable grounds for doing so, pharmacists may not terminate the pharmaceutical 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 in participating in his or her treatment;

(3) being in conflict of interest or in any situation in which the pharmacist's professional independence might be called into question;

(4) inducement by the patient to perform acts that the pharmacist knows to be illegal, unfair or fraudulent; and

(5) abusive behaviour on the part of the patient, expressed by threats or aggressive acts.

32. Before ceasing to provide pharmaceutical services to a patient, pharmacists must so inform the patient and ensure that the patient will be able to continue to obtain services from another pharmacist.

DIVISION IV QUALITY OF PRACTICE

33. When providing pharmaceutical services to a patient, pharmacists must determine and ensure the proper use of medication therapy, in particular so as to identify and prevent pharmaco-therapeutic problems.

34. Pharmacists must practise with competence and in accordance with scientifically acceptable data and recognized professional standards. To that end, they must in particular develop, perfect and update their knowledge and skills.

35. Pharmacists must refrain from practising in circumstances or states likely to compromise the quality of their practice or acts or the honour or dignity of the profession. They must refrain from practising while under the influence of any substance causing reduced or disturbed faculties, unconsciousness or intoxication.

36. Pharmacists providing pharmaceutical services to a patient are responsible for the follow-up required, unless they have ensured that a colleague or another professional has taken charge of the patient.

37. If pharmacists have reasonable grounds to believe that the interest of the patient so requires, they must refuse to fill a prescription or provide any other pharmaceutical service.

38. Members must give patients all the explanations required for the understanding and appreciation of the pharmaceutical services provided.

In addition, when giving medication to a patient, pharmacists must provide the patient with the appropriate advice and counselling.

In all cases, pharmacists must ensure they have obtained the information necessary for those purposes.

39. Pharmacists must, in the practice of pharmacy, take into account their capacities, limitations and the means at their disposal. If the interest of the patient so requires, they must consult another pharmacist, a health professional or an expert in the field of medicine or pharmacology or refer the patient to one of those persons.

40. Pharmacists must, at the patient's request, provide as soon as possible to a colleague all the information necessary to provide pharmaceutical services to the patient.

41. Pharmacists must enter in the patient's record the professional acts performed in connection with the pharmaceutical services provided if those acts require follow-up.

42. Pharmacists must ensure that the personnel assisting them is qualified for the tasks assigned to them.

43. Pharmacists must avoid providing pharmaceutical services to themselves or to family members including their spouse and children, except in an emergency or in cases which are manifestly not serious.

DIVISION V INDEPENDENCE, IMPARTIALITY AND CONFLICT OF INTEREST

44. Pharmacists must subordinate their personal interests, and those of the partnership or joint-stock company of pharmacists in which they practise or in which they have an interest, to those of their patients.

45. In the practice of pharmacy, pharmacists employed by a third person must preserve their independence. If entrusted with a task that is contrary to good practice or recognized professional standards, pharmacists must refuse to perform it.

46. Pharmacists may not take advantage of their position as an employer or officer to undermine the professional independence of a pharmacist in their employ or under their responsibility.

47. Pharmacists must charge fair and reasonable fees for their pharmaceutical services.

48. Pharmacists must act with objectivity and impartiality when persons other than their patients request information.

49. Pharmacists may share the profits from the sale of medications or from their fees only with another pharmacist and to the extent that such sharing is consistent with the division of their respective services and responsibilities.

They may also allocate their income to the partnership or joint-stock company of pharmacists within which they practise.

50. No pharmacist may accept a benefit relating to the practice of pharmacy, over and above remuneration to which the pharmacist is entitled. Customary tokens of appreciation and gifts of small value may, however, be accepted.

No pharmacist may pay, offer to pay or undertake to pay a benefit to any person in relation to the practice of the profession.

51. Despite section 50, pharmacists may

(1) accept a discount paid by a provider for prompt regular payment, if it appears on the invoice and is in keeping with marketplace rules in similar matters;

(2) accept a purchase volume discount for a medication not on the list referred to in section 60 of the Act respecting prescription drug insurance (R.S.Q., c. A-29.01), if the discount appears on the invoice or statement of account and is in keeping with marketplace rules in similar matters;

(3) accept a professional allowance or other benefit authorized in accordance with the provisions of a regulation made pursuant to the Act respecting prescription drug insurance; and

(4) allow a manufacturer of medications to assume part of the cost of their advertising if it deals with medication marketed by the manufacturer and clearly indicates that the manufacturer has assumed part of the cost.

Pharmacists who obtain a benefit or an allowance referred to in subparagraph 3 of the first paragraph must keep a record or account book in their pharmacy specifying the amount of each benefit or allowance, the date of receipt and the identity of the payer; the record or account book must be updated and kept for a period of at least three years after receipt of the last allowance.

52. Pharmacists must avoid any situation in which they would be in a conflict of interest if the interests are such that the pharmacists may be inclined to favour

certain interests over to those of their patients, or such that their integrity and loyalty towards the patients could be affected.

53. No pharmacist may make an agreement with a person authorized to write prescriptions if the agreement is likely to limit the professional independence of that person or interfere with the right of a patient to choose his or her pharmacist.

The giving of gifts, rebates, bonuses or other benefit, in any form, to a person authorized to write prescriptions contravenes this section.

54. No pharmacist may give to a person authorized to write prescriptions any forms or prescription pads on which written or printed contact information identifies a pharmacist, a partnership or joint-stock company of pharmacists or a pharmacy; nor may a pharmacist allow a person authorized to write prescriptions to advertise the pharmacist, the partnership or joint-stock company of pharmacists or the pharmacy on either side of printed or handwritten paper used to write a medical prescription of any kind.

DIVISION VI INTEGRITY

55. Pharmacists must discharge their professional obligations with integrity.

56. Pharmacists may not disclose any personal code or mark enabling their digital signature to be used, or more generally, any other similar means of identifying them and acting in their name.

57. No pharmacist may sell, give or distribute expired or unused medications returned by a patient or sell samples of medications.

58. No pharmacist may accept unused medications returned by a person for purposes other than having them destroyed, or accept samples of medications in exchange for goods or services.

59. Pharmacists must, as soon as they become aware of the situation, inform the patient of any error made in providing a pharmaceutical service.

In addition, they must make an entry of the error in the patient's record and take the appropriate measures to limit any consequences on the health of the patient.

60. Pharmacists must refrain from any misleading representation as to their level of competence or effectiveness of pharmaceutical services provided by members

of the profession, in particular their own or that of any pharmacist practising within a partnership or joint-stock company of pharmacists within which they are a partner, director, officer or shareholder.

61. In the practice of pharmacy within a partnership or joint-stock company of pharmacists, no pharmacist may

(1) practise within a partnership or joint-stock company of pharmacists in which a person other than a pharmacist has an interest, or have an interest in such a partnership or joint-stock company;

(2) omit, while the pharmacist is a partner, director, officer or shareholder of a partnership or joint-stock company of pharmacists, to take reasonable measures to put an end to, or prevent the repeated performance of, an act derogatory to the dignity of the profession performed by another person within the partnership or joint-stock company and which was brought to his or her attention more than 30 days earlier;

(3) continue to carry on activities within a partnership or joint-stock company of pharmacists for more than 10 days after the effective date of the striking off or revocation of the permit of the representative within the meaning of the Regulation respecting the practice of pharmacy in a partnership or joint-stock company, or of a partner, shareholder, director, an officer or employee, if the person concerned is still performing his or her duties in the partnership or joint-stock company or still holds, directly or indirectly, rights as a shareholder or partner;

(4) practise within a partnership or joint-stock company that holds itself out to be or implies that it is a partnership or joint-stock company of pharmacists if one of the requirements in the Professional Code or the Regulation respecting the practice of pharmacy in a partnership or joint-stock company is not met in that respect; and

(5) enter into an agreement or allow an agreement to be entered into within a partnership or joint-stock company of pharmacists if the agreement operates to impair compliance by pharmacists with the Pharmacy Act or the Professional Code and the regulations made under the Act or that Code.

DIVISION VII **PROFESSIONAL SECRECY**

62. Pharmacists must preserve the secrecy of all confidential information obtained in the practice of pharmacy. They must avoid disclosing that a person has requested their services.

63. Pharmacists may be released from their obligation of professional secrecy only with the authorization of the patient or where so required by law.

64. Pharmacists must avoid any indiscreet conversation about a patient and the pharmaceutical services provided to a patient.

65. Pharmacists must respect the patient's need for confidentiality before giving advice and providing pharmaceutical services.

66. Pharmacists must take reasonable measures with respect to the employees and personnel with whom they work to ensure that the secrecy of confidential information is preserved.

67. Pharmacists must not use confidential information to the detriment of a patient or to obtain directly or indirectly any benefit for themselves or another person.

68. In addition to the circumstances referred to in section 63, pharmacists may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the pharmacists 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.

In such a case, pharmacists may only communicate the information to a person exposed to the danger, that person's representative, and to the persons who can come to that person's aid; pharmacists may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

If the interest of the person exposed to the danger so requires, pharmacists must consult another member of the Order, a member of another professional order or any other qualified person provided the consultation will not prejudicially delay communication of the information.

69. Where information protected by professional secrecy is communicated pursuant to section 68, pharmacists must enter the following information in the client's record:

(1) the identity of the person in danger;

(2) the identity and contact information of any person who made threats;

(3) the nature of the threats and the circumstances in which they were made;

(4) the identity and contact information of any person or body to whom the information was communicated;

(5) the date and time of the communication and of the events leading to the communication; and

(6) the nature of the information communicated.

DIVISION VIII ACCESSIBILITY OF RECORDS

70. Pharmacists must respect the right of their patients to examine the documents concerning them in any record established in their respect, and to obtain a copy of such documents.

Pharmacists must reply promptly to any request made by a patient in that respect not later than 15 days after receipt.

71. Despite section 70, pharmacists may refuse to allow a patient to examine a document concerning the patient if disclosure would be likely to cause serious harm to the patient or to a third person.

72. With respect to a request referred to in the second paragraph of section 70, pharmacists may charge patients reasonable fees for the reproduction, transcription or transmission of the requested documents.

Pharmacists who charge such fees must inform patients of the approximate amount to be paid.

73. Failure to reply within 15 days after receipt of a request referred to in the second paragraph of section 70 is deemed to be a refusal to grant the request.

74. Pharmacists must reply promptly, at the latest within 30 days after receipt, to any request made by a patient to have information that is inaccurate, incomplete, ambiguous, outdated or not justified corrected or deleted in any document concerning the patient. Pharmacists must also respect the patient's right to make written comments in the record.

Pharmacists must give the patient, free of charge, a duly dated copy of the document or part of the document filed in the record so that the patient may verify that the information has been corrected or deleted or, as applicable, give the patient an attestation stating that the patient's written comments have been filed in the record.

75. Pharmacists who refuse to grant a request to correct or delete information must give written justification for the refusal and inform the patient of all available remedies.

CHAPTER V DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

DIVISION I ACTS DEROGATORY TO THE DIGNITY OF THE PROFESSION

76. Pharmacists must discharge their professional obligations with dignity.

77. 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) being negligent in the practice of pharmacy;

(2) performing an act that is not required or that is disproportionate to the patient's needs or performing unnecessary or superfluous professional acts;

(3) urging a person repeatedly or insistently to use the pharmacist's services;

(4) obtaining clients through an intermediary or making an arrangement with an intermediary for that purpose;

(5) contravening, in Canada or abroad, acts or regulations related to a substance listed in any of the Schedules to the Controlled Drugs and Substances Act (S.C. 1996, c. 19);

(6) where a pharmacist is not the actual owner of a pharmacy, agreeing to allow his or her name be used to imply that the pharmacist is the actual owner of the pharmacy; and

(7) where a pharmacist has no interest in a partnership or joint-stock company of pharmacists, allowing his or her name to be used to imply that the pharmacist has an interest in the partnership or joint-stock company.

DIVISION II INCOMPATIBLE RESPONSIBILITIES AND DUTIES

78. Except where otherwise provided under the Pharmacy Act, the practice of medicine is incompatible with the practice of pharmacy.

DIVISION III RELATIONS WITH THE ORDER

79. Pharmacists must, when dealing with the Order, act with dignity, courtesy, respect and integrity.

80. Pharmacists must promptly, fully and truthfully reply to all requests made by the secretary, the assistant secretary, the syndic, the assistant syndic, a corresponding syndic, a member of the professional inspection committee, an investigator or an inspector, appointed by the Bureau, in the performance of the duties assigned to them by the Act or regulations, and make themselves available for any meeting required by any of them.

81. Pharmacists must respect any agreement made with the Bureau, the administrative committee, the secretary of the Order, a syndic, an assistant syndic or a corresponding syndic, the professional inspection committee, an investigator or an inspector.

82. A pharmacist who is the subject of an inquiry by a syndic, an assistant syndic or a corresponding syndic must refrain from intimidating or harassing the person who requested the holding of the inquiry or from attempting to induce the person to withdraw the request.

83. Pharmacists must report to the Order any pharmacist, intern, student or any other person authorized to practise whom they believe is unfit to practise, incompetent or dishonest, or whom they consider has performed an act in contravention of the provisions of the Pharmacy Act, the Professional Code or their regulations.

84. Pharmacists must refrain from exerting any undue pressure or accepting or offering money or any other consideration in order to influence a decision of the Bureau of the Order, one of its committees or any person acting on behalf of the Order.

85. At the request of the Bureau, pharmacists must, to the extent possible for them to do so, participate in the discipline committee, the professional inspection committee or any other committee established by the Bureau.

DIVISION IV RELATIONS WITH OTHER PHARMACISTS, STUDENTS, INTERNS AND OTHER PROFESSIONALS

86. Pharmacists must, in their relations with other pharmacists, students, interns and other professionals, conduct themselves with dignity, courtesy, respect and integrity. They must also

(1) collaborate with other pharmacists and members of other professional orders, and endeavour to establish and maintain harmonious relations;

(2) when consulted by other pharmacists, give their opinion and recommendations to them as soon as possible;

(3) refrain from denigrating other pharmacists or professionals, breaching their trust, voluntarily misleading them, betraying good faith or engaging in disloyal practices;

(4) refrain from soliciting the clientele of any other pharmacist with whom they are called upon to collaborate;

(5) avoid claiming credit for work which rightfully belongs to another pharmacist, an intern, a student or any other person;

(6) give a fair, honest and well-founded opinion when evaluating a student or an intern; and

(7) refrain from harassing, intimidating or threatening any other pharmacist, a student, an intern or any other professional.

CHAPTER VI RESEARCH

87. Pharmacists must, before undertaking research on humans, obtain approval by a research ethics committee of the project that must respect existing standards, in particular regarding its structure and procedures. They must also ensure their ethical obligations are made known to all persons collaborating in the research.

88. Before undertaking research, pharmacists must evaluate the possible repercussions on the participants; they must in particular

(1) consult the persons likely to help them in deciding whether to undertake the research or in taking measures intended to eliminate risks to participants; and

(2) ensure that all those working with them on the research respect the physical and psychological integrity of the participants.

89. Pharmacists may not force or urge a person insistently to take part in research or to maintain that participation.

90. Pharmacists must, in respect of a participant or legal representative, ensure

(1) that the participant or legal representative is adequately informed of the research project's objectives, its benefits, risks or inconveniences, the benefits derived from regular care, if applicable, as well as the fact, if such is the case, that the pharmacist will derive a benefit from enrolling or maintaining the participant or legal representative in the research project;

(2) that free and enlightened written consent, revocable at all times, is obtained from the participant or legal representative before they begin participation in the research project or whenever there is any material change in the research protocol; and

(3) that clear, specific and enlightened consent is obtained from the participant or legal representative before communicating information concerning the participant or legal representative to a third person for the purposes of scientific research.

91. In the practice of pharmacy, pharmacists must consider all the foreseeable consequences that their research and work may have on society.

92. Pharmacists must refuse to collaborate in any research activity if the risks to the health of subjects appear disproportionate in relation to the potential benefits they may derive from it or the benefits they would derive from regular treatment or care, if applicable.

93. Pharmacists must respect a participant's right to withdraw from a research project at any time.

CHAPTER VII ADVERTISING AND GRAPHIC SYMBOL

94. Pharmacists must refrain from engaging in advertising by any means whatsoever that is false, misleading or liable to mislead the public, or from allowing such advertising on their behalf or on behalf of the partnership or joint-stock company of pharmacists within which they practise.

Pharmacists must avoid making allegations in advertising implying that there are therapeutic properties if they are not based on scientifically acceptable data.

95. Pharmacists must refrain from engaging in advertising by any means whatsoever of a medication listed in any of Schedules I, II and IV to the Regulation respecting the terms and conditions for the sale of medications (R.R.Q., 1981, c. P-10, r.8.2), or from allowing such advertising on their behalf.

96. Pharmacists who advertise or allow advertising on their behalf of a medication other than a medication referred to in section 95, including a natural health product, must state the following in the advertisement:

— Every medication or natural health product may cause serious adverse reactions or interactions with other medications.

— Read the label, warnings and inserts provided by the manufacturer and consult your pharmacist when purchasing such medications or natural health products.

— Always keep medications and natural health products out of the reach of children.

The indications must be clearly legible and written on each page on which such a medication is advertised or, in the case of radio advertising, be clearly audible.

97. Despite section 95, pharmacists may, inside their pharmacy, indicate on a sign the price charged for the sale of a determined quantity of a medication listed in the Regulation respecting the terms and conditions for the sale of medications, provided that the price includes the fees payable.

98. No advertising by pharmacists or on their behalf may promote the consumption of medications; any advertising of a discount, rebate, gift, trading stamp, bonus or other benefit of a similar nature applicable to the purchase of a medication contravenes that requirement.

99. No advertising by pharmacists or on their behalf may compare the quality of pharmaceutical services with those of another pharmacist, or discredit or denigrate the image or pharmaceutical services provided by another pharmacist.

100. Pharmacists must refrain from using endorsements or testimonials in advertising for the public.

101. Pharmacists may not allow a commercial enterprise to name them as such in commercial advertising for the public.

102. Every pharmacist who practises pharmacy within a partnership or joint-stock company of pharmacists is responsible for the content of every advertisement made on their behalf or on behalf of the partnership or joint-stock company, unless the name of the pharmacist who is responsible for the content of the advertisement is clearly indicated in the advertisement.

103. Advertising by pharmacists or on their behalf that relates to the carrying on of activities reserved for them must clearly indicate that they are the only persons responsible for the activities.

When pharmacists mention the name of an enterprise with which they are affiliated in their advertising, including a chain or a banner, they must specify, if applicable, that they are owner pharmacists.

In written media, those particulars must form part of the advertisement and be written in letters no smaller than the size of the other letters. For other media, the particulars must be as visible and audible as any other written and audible element forming part of the advertisement.

Advertising that is false, misleading or liable to mislead the public or that suggests that such activities are carried on directly or indirectly by a person who is not a pharmacist contravenes this section.

104. Pharmacists who advertise the amount of their fees must clearly state

- (1) the exact amount of the fees;
- (2) the period during which the fees are in effect;
- (3) the nature and extent of the professional services included; and
- (4) any additional service that may be required but that is not included in the fees.

105. Pharmacists must refrain from using their professional title, an abbreviation of the title or any indication that they are pharmacists or from allowing such references to be used in any advertising of goods offered for sale outside the pharmacy.

106. Pharmacists are authorized to use a reproduction of the graphic symbol of the Order

- (1) in their correspondence;
- (2) on their business cards;
- (3) on a sign advertising their pharmacy;
- (4) on a label identifying a medication; and
- (5) on a receipt issued following the filling of a prescription provided that every such document or sign clearly indicates the name of the pharmacist and the pharmacist's title.

Such a reproduction must conform to the original held by the secretary of the Order.

107. Pharmacists must keep an integral copy of every advertisement made by them or on their behalf in its original form for a period of three years following the date on which it was last published or broadcast. On request, the copy must be given immediately to the secretary of the Order, the syndic, an assistant syndic, an inspector, an investigator or a member of the professional inspection committee.

CHAPTER VIII FINAL

108. This Code replaces the Code of ethics of pharmacists (R.R.Q., 1981, c. P-10, r.5).

109. 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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Draft Regulation

Professional Code
(R.S.Q., c. C-26; 2006, c. 22)

Membership rolls of professional orders — Replacement

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 respecting the roll of professional orders, made by the Office des professions du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The Regulation replaces the Regulation respecting the membership rolls of professional orders (R.R.Q., 1981, c. C-26, r.7) and determines the information other than that required by section 46.1 of the Professional Code which is to be contained in the roll of a professional order, as well as the standards for the preparation, updating and publication of the roll. Certain of the standards in the Regulation vary according to the professional order concerned.

The Office advises that the new measures will have no impact on enterprises, including small and medium-sized businesses.