

(e) all shareholder agreements and voting agreements as amended;

(f) any agreement concerning a stock option with voting or any other rights, even if they are conditional, given to a person to have such shares issued to himself;

(g) the registration certificate of the companies and updates thereof;

(h) the names and residential addresses of the principal officers.

## SECTION V TRANSITIONAL

**16.** The optometrist who carries on his professional activities within a joint-stock company formed before the date on which this Regulation came into force, at the latest in the year following this date, must comply with the requirements prescribed in this regulation.

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

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## Draft Regulation

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

### Optometrists — 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 amending the Code of ethics of optometrists,” adopted by the Bureau of the Ordre professionnel des optométristes du Québec, will be submitted to the government, which may approve it, with or without amendments, at the expiration of 45 days from this publication.

According to the Ordre professionnel des optométristes du Québec, the purpose of this draft regulation is to adapt certain ethical rules to the reality of the practice of the profession of optometrist in a partnership or company, as provided in the draft Regulation respecting the practice of the profession of optometrist in a partnership or company.

This draft Regulation is also intended to provide details about conflicts of interests.

This draft Regulation also clarifies the rules applicable to optometrists, particularly as concerns the terms and conditions of exercising the right to access and correct information entered in their records.

The Ordre professionnel des optométristes du Québec does not anticipate that this regulation will have any impact on companies or SMEs in particular.

Additional information can be obtained by contacting M<sup>e</sup> Marco Laverdière, Executive Director and Secretary, Ordre professionnel des optométristes du Québec, 1265, rue Berri, suite 700, Montréal (Québec) H2L 4X4; telephone number: 514 499-0524; fax number: 514 499-1051.

Anyone who would like to share comments should send them, before the expiration of this period, to the President of the Office des professions du Québec, 800, place D’Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. These comments will be sent by the Office to the Minister responsible for the application of professional laws; they may also be sent to the professional order that adopted the regulation as well as to interested persons, ministries and organizations.

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

## Regulation amending the Code of ethics of optometrists\*

Optometry Act  
(R.S.Q., c. O-7)

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

**1.** Section 14 of the Code of Ethics of optometrists is amended by adding, at the end, the following paragraphs:

“The optometrist must ensure that the Optometry Act (R.S.Q., c. O-7), the Professional Code (R.S.Q., c. C-26) and the regulations thereunder are respected by employees, students, trainees, shareholders, partners and all other persons he works with in the practice of the profession.

\* The latest amendments to the Code of ethics of optometrists, approved by Order in Council 643-91 of May 8, 1991 (1991, *G.O.* 2, 2428), have been made by the regulation approved by Order in Council 24-2004 of January 14, 2004 (2004, *G.O.* 2, 913). For later amendments, see the *Tableau des modifications et Index sommaire*, Quebec Official Publisher, 2007, as amended on March 1st, 2007.

An optometrist who practices his professional activities within a partnership or company in the meaning of the Civil Code or a partnership or company contemplated by paragraph VI.3 of the Professional Code must ensure that the partnership or company respects the Optometry Act, the Professional Code and the regulations thereunder.”.

**2.** Section 16 of this Code is amended by adding, at the end, the following paragraph:

“Similarly, he shall not falsely represent the competence of, or the effectiveness of the services generally ensured by, persons carrying on professional activities within the partnership or company.”.

**3.** Section 24 of this Code is amended by adding, at the end, the following sentences:

“He may not elude or attempt to elude, nor request that a client or another person renounce any recourse taken in a case of professional negligence on his part. Furthermore, he may not invoke the liability of the partnership or company within which he carries on his professional activities, or that of another person also practicing his activities in said partnership or company, as a ground for excluding or limiting his personal civil liability.”.

**4.** Section 30 of this Code is amended by inserting, after the word “personal,” the words “as well as that of the partnership or company in which he carries on his professional activities or in which he has interests.”.

**5.** This Code is amended by inserting, after section 30, the following:

“**30.1.** No optometrist may conclude any agreement that could jeopardize the independence, impartiality, objectivity or integrity required to practice his professional activities.”.

**6.** This Code is amended by inserting, after section 32, the following:

“**32.1.** An optometrist shall take prompt measures to ensure that information and documents relevant to professional secrecy are not disclosed to a partner, shareholder, director, manager, officer or employee of a partnership or company within which the optometrist practices his professional activities or in which he has an interest, where he becomes aware that the partner, shareholder, director, manager, officer or employee has a conflict of interest.

The following factors must be considered in assessing the efficacy of such measures:

1. size of the partnership or company;
2. precautions taken to prevent access to the optometrist’s file by the person having a conflict of interest;
3. instructions given to protect confidential information or documents related to the conflict of interest;
4. isolation, from the optometrist, of the person having a conflict of interest.”.

**7.** Section 33 of this Code is replaced by the following:

“**33.** An optometrist is in a conflict of interest if, in particular, he:

1. shares his professional income, in any form whatsoever, with a person who is not a member of the Ordre des optométristes du Québec, except if he carries on his professional activities in accordance with the Regulation respecting the practice of the profession of optometrist in a partnership or company (*inscrire ici le numéro et la date du décret approuvant ce règlement*);
2. grants any commission, rebate, advantage or other consideration of a similar nature relating to the practice of optometry;
3. receives, in addition to the remuneration to which he is entitled, any commission, rebate, discount, advantage or other consideration of a similar nature from anyone, including a seller or manufacturer of ophthalmic lenses, frames, medication or other products linked to the practice of optometry, except for customary tokens of appreciation and gifts of small value;
4. receives a line of credit from a seller or manufacturer of ophthalmic lenses, frames, medication or other products linked to the practice of optometry, unless he has a written agreement including a declaration that the resulting conditions comply with the provisions of this Code and a clause that authorizes such agreement to be submitted to the Order upon request;
5. leases or uses the premises, equipment or other resources of anyone, including a seller or a manufacturer of ophthalmic lenses, frames, medication or other products linked to the practice of optometry, unless he has a written agreement with a declaration that the resulting conditions comply with the provisions of this Code and a clause that authorizes such agreement to be submitted to the Order upon request;

6. practices optometry jointly with, in partnership with or on behalf of a person or corporation, unless that person or corporation is:

(a) an optometrist;

(b) a government, governmental or municipal organization, a university or an institution within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native Persons (R.S.Q., c. S-5);

(c) an undertaking retaining his services for the sole purpose of providing optometrical advice or services to its employees;

(d) a retailer that operates an optical department contemplated by subparagraph a in the fourth paragraph of section 25 of the Optometry Act when he is responsible for administration;

(e) a partnership or company contemplated by the Regulation respecting the practice of the profession of optometrist in a partnership or company.”

**8.** This Code is amended by inserting, after section 33, the following:

“**33.1.** Notwithstanding section 33, an optometrist is not in a conflict of interest if he accepts a discount from a seller for one of the following reasons:

1. for prompt regular payment, when the discount is indicated on the invoice and complies with marketplace rules for discounts;

2. due to the volume of products purchased other than medication, where the discount is indicated on the invoice or the account statement and complies with the market rules in similar situations.”

**9.** Section 37 of this Code is amended by replacing the words “where that revelation could cause a prejudice to that person,” by the words “except for the purposes of internal administration of the partnership or company in which he carries on his professional activities.”

**10.** This Code is amended by inserting, after section 38, the following:

“**38.0.1** An optometrist must ensure that anyone with whom he engages in his professional activities does not disclose to a third party the confidential information of which he may have taken cognizance.”

**11.** The title of division VII of this Code is replaced by the following:

“Accessibility and rectification of records and accessibility of prescriptions”

**12.** Section 39 of this Code is replaced by the following:

“**39.** An optometrist must respond promptly, at the latest within 20 days of its receipt, to any request made by a patient to consult or obtain a copy of documents that concern the patient in any record made in his respect.”

**13.** This Code is amended by inserting, after section 39, the following:

“**39.1.** An optometrist may charge the patient reasonable fees that do not exceed the cost of reproduction or transcription of the documents and the cost of transmitting a copy of them.

An optometrist who intends to charge such fees must inform the patient of the approximate amount to be paid before reproducing, transcribing or transmitting the information.

**39.2.** An optometrist must provide a patient or anyone designated by the patient, upon request, with all information that would allow him to obtain a benefit to which he may be entitled.

**39.3.** An optometrist must, at the written request of the patient and at the latest within 20 days of the date of such request, provide anyone designated by the patient with the relevant information in the optometric record that he holds or maintains in the patient’s respect.

**39.4.** An optometrist must respond promptly, at the latest within 20 days of its receipt, to any request made by a patient to have information that is inaccurate, incomplete, ambiguous, outdated or unjustified corrected or deleted in any document concerning the patient. He must also respect the patient’s right to make written comments in the record.

An optometrist 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, where applicable, give the patient an attestation stating that the patient’s written comments have been entered in the record.

**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*.

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## 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,