

Regulations and other acts

Gouvernement du Québec

O.C. 39-2008, 31 January 2008

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

Physicians
— **Code of ethics**
— **Amendments**

Regulation to amend the Code of ethics of physicians

WHEREAS, under 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 members of the Order towards the public, clients, and the profession, particularly the duty to discharge their professional obligations with integrity;

WHEREAS the Bureau du Collège des médecins du Québec made the Regulation to amend the Code of ethics of physicians;

WHEREAS, under section 95.3 of the Professional Code, a draft Regulation was sent to every member of the Order at least 30 days before being made by the Bureau;

WHEREAS, in accordance with section 95 of the Code and subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination; it must be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

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 29 November 2006 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following the publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendation;

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 physicians, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of physicians*

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

1. The Code of ethics of physicians is amended in section 8:

(1) by the addition of the following paragraph at the beginning:

“A physician’s duties and obligations under the Medical Act, the Professional Code and their regulations are in no way changed or reduced by the fact that he practices the profession within a partnership or company.”;

(2) by replacement of the words “this Code” with the words “this Act, this Code and these regulations”.

2. The Code is amended in section 72 by addition of the following paragraph at the end:

“Any agreement entered into by the physician or a partnership or corporation of which he is a partner or shareholder regarding the enjoyment of a building or a space for practice of the medical profession, must be entirely recorded in writing and include a statement that the obligations arising from the agreement comply with the provisions of the Code and a clause authorizing release of the agreement to the Collège des médecins upon its request.”.

* The Code of Ethics of physicians approved by Order in Council No. 1213-2002 of October 9, 2002 (2002, *G.O.* 2, 5574) has not been amended since its approval.

3. The Code is amended in section 73 by replacing paragraph (3) with the following:

(3) “from accepting, in his capacity as a physician or by using his title of physician, any commission, rebate or material benefit with the exception of customary presents and gifts of modest value.”.

4. The Code is amended by inserting, after section 73, the following:

“**73.1.** Specifically constituting a material advantage as contemplated by subparagraph (3) of section 73 is the enjoyment of a building or a space at no charge or at a discount for the practice of the medical profession granted to a physician or to a partnership or corporation of which he is a partner or shareholder by:

(1) a pharmacist or a partnership or corporation of which the pharmacist is a partner or shareholder;

(2) a person whose activities are linked, directly or indirectly, to the practice of pharmacy;

(3) another person in a context that may present a conflict of interests, whether real or only apparent.

Whether a rent is fair and reasonable is determined as a function of local socio-economic conditions at the time it is fixed.”.

5. This regulation comes into force on March 1, 2008, except for section 2, which comes into force on December 4, 2008.

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Gouvernement du Québec

O.C. 53-2008, 31 January 2008

Forest Act
(R.S.Q., c. F-4.1)

Changes in the destination of timber allocated to a holder of a timber supply and forest management agreement

Regulation respecting changes in the destination of timber allocated to a holder of a timber supply and forest management agreement

WHEREAS, under the first paragraph of section 43.1.1 of the Forest Act (R.S.Q., c. F-4.1), enacted by section 5 of chapter 45 of the Statutes of 2006, a holder of a timber

supply and forest management agreement may, with no further formality than that described in the third paragraph, send timber harvested during the year which, under the agreement, was intended for the agreement holder’s wood processing plant to other processing plants operating under a timber supply and forest management agreement, except that the sum of the volumes of timber that may be sent to other processing plants during a given year may not exceed the volume of timber determined by regulation of the Government;

WHEREAS, under the second paragraph of section 43.1.1, the sum of the volumes of timber from other wood processing plants operating under a timber supply and forest management agreement that are sent to the processing plant referred to in the agreement holder’s agreement during a given year may not exceed the volume of timber determined by regulation of the Government and additional volumes of timber equal to the volumes of timber that the agreement holder may have sent to other processing plants under the first paragraph of section 43.1.1 may be added to that volume;

WHEREAS, under subparagraph 6.1 of the first paragraph of section 172 of the Forest Act, the Government may, by regulation, determine, for the purposes of the first and second paragraphs of section 43.1.1, the volume of timber that, during a given year, may be sent to wood processing plants not referred to in the holder’s agreement and the volume of timber that, during a given year, may be sent from other wood processing plants to a wood processing plant referred to in a holder’s agreement;

WHEREAS, under that subparagraph, those volumes of timber may be expressed as a percentage of the annual volumes set in the holder’s agreement or be based on any other rule for calculating them determined by regulation of the Government;

WHEREAS, under section 35 of chapter 45 of the Statutes of 2006, section 5 of the Act comes into force on the date of coming into force of the first regulation made under subparagraph 6.1 of the first paragraph of section 172 of the Forest Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting changes in the destination of timber allocated to a holder of a timber supply and forest management agreement was published in Part 2 of the *Gazette officielle du Québec* of 11 July 2007 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;