

## Draft Regulation

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

### Denturologists — 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 the Ordre des denturologistes du Québec, made by the Bureau of the Ordre des denturologistes 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.

According to the Ordre des denturologistes du Québec, the main purpose of the draft Regulation is to adapt certain rules of ethics to the reality of the practice of denturology within a partnership or a joint-stock company, as established in the draft Regulation respecting the carrying on of denturology within a partnership or a joint-stock company.

The Ordre des denturologistes du Québec advises that the Regulation will have no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Monique Bouchard, Director General and Secretary, Ordre des denturologistes du Québec, 45, place Charles-LeMoine, bureau 106, Longueuil (Québec) J4K 5G5; telephone: 450 646-7922; fax: 450 646-2509.

Any person wishing to comment on the draft Regulation is requested to submit written comments to the Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3, within the 45-day period. The comments will be sent by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,  
*Chair of the Office des  
professions du Québec*

## Regulation to amend the Code of Ethics of the Ordre des denturologistes du Québec\*

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

**1.** The Code of Ethics of the Ordre des denturologistes du Québec is amended by replacing the heading of Chapter I by “GENERAL PROVISIONS”.

**2.** Section 1 is replaced by the following:

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

**1.1.** A member of the Order shall take reasonable measures to ensure that persons who collaborate or cooperate with the member in his practice and any partnership or joint-stock company within which the member practises comply with the Denturologists Act (R.S.Q., c. D-4), the Professional Code and the regulations.

**1.2.** No member may permit other persons to carry out acts on the member's behalf that would, were the member to carry them out himself, place the member in violation of the Denturologists Act, the Professional Code or a regulation thereunder.

**1.3.** The duties and obligations under the Denturologists Act, the Professional Code and the regulations are not modified or reduced in any manner owing to the fact that a member practises within a partnership or joint-stock company.

**1.4.** A member shall ensure that the obligations towards the partnership or joint-stock company of which the member is a director or officer are not incompatible with the obligations towards the member's patient or employer.”

**3.** Section 2 is amended by adding the following at the end:

\* The Code of Ethics of the Ordre des denturologistes du Québec approved by Order in Council 1011-85 dated 29 May 1985 (1985, *G.O.* 2, 1976) was last amended by the *régulation* approved by Order in Council 838-2003 dated 20 August 2003 (2003, *G.O.* 2, 2717). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

“A member shall act with dignity and avoid any method or attitude that is likely to damage the profession’s good reputation.”.

**4.** Section 3 is amended by replacing “on Society” by “on the public”.

**5.** Section 5 is amended by adding the following at the end:

“A denturologist who carries on professional activities within a partnership or joint-stock company shall ensure that the advertising of the partnership or joint-stock company or of any other person carrying on activities within the partnership or joint-stock company complies, with regard to denturologists, with the rules set out in sections 5.1 to 5.11.”.

**6.** Section 5.10.2 is amended by replacing “who, are partners or work together in the practice of their profession shall be jointly” by “who are partners or work together in their practice other than within a joint-stock company are solidarily”.

**7.** The following is inserted after section 5.11:

“**5.11.1.** A denturologist using the graphic symbol of the Order in advertising may not suggest that the advertising emanates from the Order.

**5.11.2.** A denturologist who carries on professional activities within a partnership or joint-stock company shall ensure that any use of the graphic symbol of the Order within the partnership or joint-stock company respects the representations of the graphic symbol of the Order referred to in section 5.11 and, where applicable, complies with section 5.11.1.

**5.11.3.** A denturologist shall ensure that a partnership or joint-stock company within which the denturologist carries on professional activities does not use the graphic symbol of the Order in association with its advertising or name unless all the services provided by the partnership or joint-stock company are professional services of denturologists.

In the case of a partnership or joint-stock company that provides professional services of denturologists and of persons other than denturologists, the graphic symbol of the Order may be used in association with the name of the partnership or joint-stock company or in its advertising provided that the graphic symbol identifying each of the professional orders or organizations to which those persons belong is also used.

**5.11.4.** The graphic symbol of the Order may always be used with the name of a denturologist.”.

**8.** The following is inserted after section 8:

“**8.1.** If a denturologist determines that the services for which the patient is retaining the denturologist may be provided in whole or in part in their essential aspects by another person, the denturologist shall so inform the patient.”.

**9.** Section 15 is replaced by the following:

“**15.** A denturologist shall avoid any misrepresentation with respect to the denturologist’s level of competence or the effectiveness of professional services or, if applicable, the competence or the effectiveness of the services provided by persons who carry on their activities within the same partnership or joint-stock company.”.

**10.** Section 21 is replaced by the following:

“**21.** When property is entrusted to a denturologist by a patient, the denturologist shall use it with care. The denturologist may not use it for purposes other than those for which it was entrusted to the denturologist.

A denturologist who carries on professional activities within a partnership or joint-stock company shall take reasonable measures to ensure that the partnership or joint-stock company complies with the requirements of the first paragraph when property is entrusted to the partnership or joint-stock company in connection with the professional activities.”.

**11.** Section 27 is amended by replacing “ensure that such termination of service is not prejudicial to his patient” by “take the necessary conservatory measures to spare the patient serious and foreseeable prejudice”.

**12.** Section 28 is replaced by the following:

“**28.** A denturologist shall assume civil liability in his practice. A denturologist may not include in a statement, advertisement or contract of professional services any clause that, directly or indirectly, fully or partially, excludes that liability. The denturologist may not invoke the liability of the partnership or joint-stock company as a ground for excluding or limiting his civil liability.”.

**13.** Section 30 is replaced by the following:

“**30.** A denturologist shall subordinate personal interests and the interests of the partnership or joint-stock company within which the denturologist carries on professional activities or has an interest to those of his patient.”.

**14.** Sections 32 to 34 are replaced by the following:

“**32.** A denturologist shall avoid any situation in which the denturologist would be in a conflict of interest, in particular where the interests are such that the denturologist might tend to favour certain of them over the patient’s interests, or where the denturologist’s judgment and loyalty towards the patient could be affected.

In all cases in which a denturologist carries on professional activities within a partnership or joint-stock company, conflict of interest situations shall be assessed with regard to all the patients or clients of persons with whom the denturologist carries on professional activities within the partnership or joint-stock company.

**33.** Where a denturologist carrying on professional activities within a partnership or joint-stock company is in a conflict of interest, the other denturologists shall, to avoid being considered in a conflict of interest themselves, take such reasonable measures as are required to ensure that confidential information or documents pertaining to the file are not disclosed.

Where professional activities are carried on within a partnership or joint-stock company, a denturologist who is in a conflict of interest and the other denturologists shall see that the measures apply to the persons who are not denturologists.

In assessing the effectiveness of the measures, the following factors in particular are taken into account:

- (1) the size of the partnership or joint-stock company;
- (2) the precautions taken to prevent access to the file by the denturologist who is in a conflict of interest;
- (3) the instructions given for the protection of the confidential information or documents involved in the conflict of interest; and
- (4) the isolation of the denturologist in a conflict of interest with respect to the person in charge of the file.

**34.** A denturologist may share fees only with

- (1) a member of the Ordre des denturologistes du Québec; or
- (2) a partnership or joint-stock company within which the denturologist is authorized to carry on professional activities.”.

**15.** Sections 35 and 36 are revoked.**16.** Section 38 is replaced by the following:

“**38.** Except for the remuneration to which a denturologist is entitled, a denturologist may not receive, solicit or acquire any rebate, commission or other benefit relating to his practice. He may, however, accept customary tokens of appreciation and gifts of small value.

In addition, the denturologist may not pay, offer to pay or agree to pay any rebate, commission or other benefit relating to his practice.”.

**17.** Section 40 is amended by inserting the following:

“**40.1.** A denturologist shall take reasonable measures to ensure that any person who cooperates or collaborates with the denturologist or carries on activities within the partnership or joint-stock company in which the denturologist carries on professional activities preserves the secrecy of all confidential information that becomes known to the denturologist in his practice.”.

**18.** Section 46 is amended by inserting “or those of the partnership or joint-stock company within which the denturologist carries on professional activities” after “employees”.

**19.** The following is inserted after section 52.1:

“**52.2.** Where a denturologist carries on professional activities within a joint-stock company constituted for the purpose of the activities, the fees belong to the joint-stock company, unless it is agreed otherwise.

The determination, billing and payment of fees is subject to the conditions set out in sections 48 to 57 and the member is personally responsible for seeing to their application.”.

**20.** Section 53 is replaced by the following:

“**53.** A denturologist shall give the patient an estimate of the cost of the professional services before beginning the treatment. The denturologist shall refrain from receiving or requesting from his patient, patient’s creditor or a third party, full advance payment of professional fees for services not provided. The denturologist may, however, receive or request reasonable advance fees for professional services.

A denturologist who practises within a partnership or joint-stock company shall ensure that the fees are always indicated separately on every invoice or statement of fees sent by the partnership or joint-stock company to the client.

If a treatment plan agreed upon must be modified, the denturologist shall without delay inform the patient of the additional fees that the modification will entail.”.

**21.** Section 56 is revoked.

**22.** Sections 59 and 60 are replaced by the following:

“**59.** Acting as a manufacturer, wholesaler, vendor or representative of products associated with the practice of denturology other than for teaching, training, research or development purposes is incompatible with the practice of the profession of denturology.

**60.** A denturologist shall ensure that none of the activities outside the practice of the profession of denturology carried on by the denturologist in connection with an office or enterprise compromises compliance with the rules of professional conduct prescribed by this Code, including the honour, dignity and integrity of the profession.”.

**23.** Section 61 is amended by adding the following after paragraph 18:

“(19) practising with other persons within a partnership or joint-stock company when the denturologist knows that one of the conditions, terms or restrictions pursuant to which the denturologist is authorized to so practise is not being met;

(20) practising within a partnership or joint-stock company under a name that is misleading, deceptive or contrary to the honour or dignity of the profession or that is a number name.”.

**24.** The following is inserted after section 61:

“**61.0.1.** It is also derogatory to the dignity of the profession of denturology for a denturologist who carries on professional activities within a partnership or joint-stock company to

(1) fail to take reasonable measures to put an end to or prevent the repeated performance of an act derogatory to the dignity of the profession of denturology performed by another person who carries on professional activities within the partnership or joint-stock company and that was brought to the denturologist’s attention at least 30 days previously;

(2) continue to carry on the activities within the partnership or joint-stock company if the representative of the partnership or joint-stock company for the Order or a director, officer or employee is still performing duties

more than 10 days after being struck off the roll for more than three months or has had his permit revoked; or

(3) continue to carry on the activities within the partnership or joint-stock company if a shareholder or a partner has been struck off the roll for more than three months or has had his permit revoked, if

(a) the partner or shareholder still directly or indirectly exercises a voting right within the partnership or joint-stock company more than 10 days after the effective date of the striking off the roll or permit revocation; or

(b) the partner or shareholder has not divested himself of his shares or partnership units 180 days after the effective date of the striking off the roll or permit revocation.”.

**25.** This Regulation 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)

### Denturologists — Practice of denturology within a partnership or a joint-stock company

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 practice of denturology within a partnership or a joint-stock company, made by the Bureau of the Ordre des denturologistes 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 draft Regulation contains specific provisions intended to govern the terms and conditions for authorization of the practice of denturology within a partnership or a joint-stock company, in particular as regards the administration of the partnership or joint-stock company and the holding of company shares or partnership units.

In accordance with Chapter VI.3 of the Professional Code, the conditions also include the requirement to take out insurance to cover liability which may arise