

(2) An undertaking by the insurer to take up the cause of the partnership or company and defend it in any lawsuit launched against it and to pay, in addition to the amounts covered by the liability insurance, all legal costs of lawsuits against the partnership or company, including the investigation and defence costs and interest on the amount of the coverage;

(3) An undertaking that the coverage shall be not less than \$1,000,000 per incident and shall be for all claims against the partnership or company in the course of a secured period of not more than 12 months, regardless of the number of members in the partnership or company;

(4) The coverage shall be at least \$1,000,000 per claim and for the aggregate of claims made against the partnership or company in a 12 month period of coverage;

DIVISION IV

NAME OF THE PARTNERSHIP OR COMPANY

11. The dentist who carries on his profession within a joint-stock company is authorized to include in or after its name the words “firm of professionals governed by the Professional Code” or the abbreviation “FPGPC”.

12. The name of a limited liability partnership shall comply with section 187.13 of the Professional Code and section 36 of the Dental Act (R.S.Q., c. D-3).

SECTION V

ADDITIONAL INFORMATION

13. The documents which the member has been authorized by the partnership or company to communicate or copy in accordance with subsection 7 of section 4 are as follows:

(1) If the member practises within a limited liability partnership:

- (a) the partnership agreement and amendments;
- (b) the declaration of registration and any update thereof;
- (c) the up-to-date register of partners;
- (d) the complete and up-to-date register and residential address of the partners carrying on the duties of management within the partnership;

(2) If the member practises within a joint-stock company:

(a) the up-to-date register of the company’s articles and by-laws;

(b) the declaration of registration and any update thereof;

(c) the complete and up-to-date register of securities;

(d) any shareholder agreement, voting agreement and related amendments;

(e) the up-to-date register of directors;

(f) the name of the principal officers of the company and their residential address.

14. When a general partnership is continued as a limited liability partnership or the member’s activities are pursued within a joint-stock company, the member of the Order shall, within 15 days of the continuation or the constitution of the joint-stock company, publish a notice in a newspaper having general circulation in each place where the professional has a place of business. The notice shall specify the nature and consequences of the partnership’s or company’s change in status, particularly as concerns the member’s professional liability and the liability of the partnership or company.

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

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Gouvernement du Québec

O.C. 499-2008, 21 May 2008

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

Dentists

— Code of ethics
— Amendments

Regulation to amend the Code of ethics of dentists

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 professional towards the public, the clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS the Bureau of the Ordre des dentistes du Québec made the Regulation to amend the Code of ethics of dentists;

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

WHEREAS, pursuant to section 95 of the Professional 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 and 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), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 17 January 2007 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and 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 dentists, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
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 the insertion of the following, after section 1.02:

The last amendments to the Code of ethics of dentists (R.R.Q. 1981, c. D-3, r.4) where made under the Regulation approved by Order of Council number 580-2005 on June 15, 2005 (2005, *G.O.* 2, 2963). For prior amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2008, updated March 1, 2008.

1.03. The dentist must take reasonable measures to ensure that each person, employee, shareholder or partner involved with him in the practice of his profession complies with the Dental Act (R.S.Q., c. D-3), the Professional Code (R.S.Q., c. 26) and the regulations thereunder.

A dentist who practices his profession within a limited liability partnership or joint-stock company shall ensure the foregoing entity complies with the Dental Act, the Professional Code and the regulations thereunder.

1.04. The dentist's duties and obligations under the Dental Act, the Professional Code and the regulations thereunder are in no way changed or reduced by the fact that he practices the profession within a limited liability partnership or joint-stock company."

2. The Code is amended by inserting the following, after section 3.01.08:

3.01.09. The dentist must adequately supervise his employees."

3. Section 3.02.02 of the Code is amended by the insertion of the following, after the first paragraph:

"Similarly, he must avoid false representation with respect to the competence or efficacy of the services generally provided by the individuals exercising their professional activities within that same company."

4. Section 3.05.01 of the Code is replaced by the following section:

3.05.01. The dentist shall subordinate his personal interest as well as that of the limited liability partnership or joint-stock company in which he exercises his professional activities or in which he has an interest, to that of his patient."

5. Section 3.05.05 of the Code is replaced by the following:

3.05.05. The dentist shall refrain from:

1° Unduly seeking or obtaining profit from the prescribing of apparatuses, examinations, medications or treatments;

2° Granting, in the practice of his profession, any advantage, commission or rebate to any person whomsoever;

3° Accepting, in his capacity as a dentist or by using his title of dentist, any commission, rebate or material advantage other than customary expressions of thankfulness and gifts of modest value.

3.05.06. Where a partner, shareholder, director, officer or employee of a limited liability partnership or a joint-stock company in which the dentist exercises his professional activities or has interests, is in a conflict of interest, upon becoming aware thereof, the dentist shall take appropriate measures to ensure that any information or documents pertaining to professional secrecy shall not be disclosed to such partner, shareholder, director, officer or employee.

To determine the effectiveness of such measures, the following factors shall be taken into account:

1° The size of the limited liability partnership or joint-stock company;

2° The precautionary measures taken to prevent access to the dentist's records by the person in a conflict of interest;

3° The instructions given regarding the protection of the confidential information or documents related to this conflict of interest;

4° The relative isolation of the person in the conflict of interest.

3.05.07. The dentist shall not share his fees with anyone other than a dentist or individual, trust or company named in paragraph 1 or 2 of section 3 of the Regulation respecting the practice of the dental profession within a limited liability partnership or a joint-stock company, approved by Order of Council no. 498-2008 dated 21 May 2008.

Where a dentist exercises his professional activities within a limited liability partnership or a joint-stock company, the income resulting from the professional services that he has rendered within the foregoing entity and on behalf thereof, then belongs to this limited liability partnership or joint-stock company, unless otherwise agreed upon.

3.05.08. The dentist shall not participate in any agreement whereby the nature and the extent of the professional expenditures may influence the quality of his practice.

Similarly, the dentist shall not participate in any agreement with another dental health care professional whereby the nature and the extent of the professional expenditures of the latter may influence the quality of his practice.

Any agreement concluded by a dentist or a company of which he is a partner or shareholder and that pertains to the use of a building or space in which to carry out his professional activities must be in writing and include a statement by the parties, attesting that the obligations

stemming therefrom comply with the provisions of this Code, as well as a clause authorizing the Order of dentists to have access to this agreement on request.”.

6. Section 3.06.03 of the Code is amended by the insertion, in paragraph 3, after “the dentist,” of “or carrying out their activities within the same company where the dentist practices his profession.”.

7. The Code is amended by the insertion of the following, after section 3.10.03:

3.10.04. Where the dentist uses the logo of the Order for advertising purposes, he shall ensure that such advertising is not interpreted as advertising for the Order, and that it does not bind the Order in any way.”.

8. The Code is amended by the insertion of the following subparagraphs after section 4.02.01:

“(x) exercising his professional activities within a limited liability partnership or a joint-stock company, or having interests in such an entity with a person who, to the dentist's knowledge, performs acts that compromise the dignity of the dental profession;

(y) exercising his professional activities within a limited liability partnership or a joint-stock company, or having interests in such an entity, when a partner, shareholder, director, officer, or employee of such limited liability partnership or joint-stock company has been stricken off the roll for more than three (3) months or whose permit has been revoked, except insofar as the partner, shareholder, director, officer, or employee:

i. ceases to act, in the performance of his duties, as a director or officer within the limited liability partnership or joint-stock company within ten (10) days of the date on which the mandatory striking off or revocation of permit has become effective;

ii. ceases, if applicable, to attend any meeting of shareholders and to exercise his right to vote within ten (10) days of the date on which the mandatory striking off or revocation of permit has become effective;

iii. disposes of his voting shares or turns them over to a trustee within ten (10) days of the date on which the mandatory striking off or revocation of permit has become effective.”.

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