

13. The documents for which an authorization from the partnership or joint-stock company is required to communicate or obtain copies pursuant to paragraph 6 of section 3 are the following:

(1) if the denturologist carries on professional activities within a limited liability partnership,

(a) the declaration of registration of the partnership and any update;

(b) the partnership agreement and amendments;

(c) an up-to-date register of the partners;

(d) where applicable, an up-to-date register of the directors; and

(d) a list of the partnership's principal officers and their home addresses;

(2) if the denturologist carries on professional activities within a joint-stock company,

(a) an up-to-date register of the articles and by-laws of the joint-stock company;

(b) an up-to-date register of the securities of the joint-stock company;

(c) an up-to-date register of the directors of the joint-stock company;

(d) any shareholders' agreement and voting agreement and amendments;

(e) the declaration of registration of the joint-stock company and any update; and

(f) a list of the partnership's principal officers and their home addresses.

DIVISION VI TRANSITIONAL AND FINAL

14. Denturologists who carry on professional activities within a joint-stock company constituted for the purpose of carrying on professional activities before the date of coming into force of this Regulation must comply with this Regulation not later than one year following that date.

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

Gouvernement du Québec

O.C. 686-2008, 25 June 2008

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

Denturologistes — Code of Ethics

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

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 denturologistes du Québec made the Regulation to amend the Code of Ethics of the Ordre des denturologistes du Québec;

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 12 March 2008 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 the Ordre des denturologistes du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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”.

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 their 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 their regulations.

1.3. The duties and obligations under the Denturologists Act, the Professional Code and their 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:

“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. 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.”.

6. 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.”.

7. 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.”.

8. 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.”.

* 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 regulation 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, 2008, updated to 1 March 2008.

9. 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”.

10. 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.”.

11. 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.”.

12. 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.

34.1. A denturologist may not be party to an agreement in which the nature and extent of professional expenses can influence the quality of his practice.

Likewise, a denturologist may not be party to an agreement with another dental health professional in which the nature and extent of the professional expenses of the latter can influence the quality of his practice.

Any agreement entered into by the denturologist or a partnership or corporation of which he is a partner or shareholder regarding the enjoyment of a building or a space to carry on his professional activities 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 Ordre des denturologistes du Québec upon its request.”.

13. Sections 35 and 36 are revoked.

14. 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.”.

15. 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.”.

16. 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”.

17. 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.”.

18. 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.”.

19. Section 56 is revoked.

20. The following is inserted after Chapter IV:

“**DIVISION 0.1** **GENERAL OBLIGATION**

57.1. A denturologist shall ensure that none of the activities in which he engages in connection with an office or within an enterprise, and which do not constitute

the practice of the profession of denturologist, compromise compliance with the rules of professional conduct prescribed by this Code, including honour, dignity and integrity of the profession.”.

21. Section 59 is 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.”.

22. 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.”.

23. 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.”.

24. 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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Gouvernement du Québec

O.C. 687-2008, 25 June 2008

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

Dentistes

— Specialties and the terms and conditions for the issue of specialist’s certificates by the Ordre — Amendments

Regulation to amend the Regulation respecting specialties and the terms and conditions for the issue of specialist’s certificates by the Ordre des dentistes du Québec

WHEREAS, pursuant to paragraph *e* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may, by regulation, define the different classes of specialization within the profession;

WHEREAS, pursuant to paragraph *i* of section 94 of the Professional Code, the Bureau of a professional order may, by regulation, determine the other terms and conditions for issuing specialist’s certificates, in particular the obligation to serve periods of professional training and to pass professional examinations, and may also fix standards of equivalence applicable to the terms and conditions determined therein;

WHEREAS the Bureau of the Ordre des dentistes du Québec made the Regulation to amend the Regulation respecting specialties and the terms and conditions for the issue of specialist’s certificates by the Ordre des dentistes du Québec;

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 12 March 2008 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 without amendment;

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 Regulation respecting specialties and the terms and conditions for the issue of specialist’s certificates by the Ordre des dentistes du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting specialties and the terms and conditions for the issue of specialist’s certificates by the Ordre des dentistes du Québec*

Professional Code
(R.S.Q., c. C-26, s. 94, par. *e* and *i*)

1. The second paragraph of section 3 of the Regulation respecting specialties and the terms and conditions for the issue of specialist’s certificates by the Ordre des dentistes du Québec shall be amended by deleting the words “oral medicine or”.

* The Regulation respecting specialties and the terms and conditions for the issue of specialist’s certificates by the Ordre des dentistes du Québec was approved by O.C. 1361-94 of September 7, 1994 (1994, *G.O.* 2, 4145) and has not been amended since.