

§2. Professional liability insurance

16. A member holding a public accountancy permit shall provide the Order no later than April 1 of each year evidence that he has taken out insurance against any liability which he may incur as a result of any fault or negligence which he may perpetrate in the practice of public accountancy.

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

8905

Draft Regulation

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

Radiology technologists — 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 radiology technologists, made by the Bureau of the Ordre des technologues en radiologie 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 technologues en radiologie du Québec, the main purpose of the draft Regulation is to adapt certain rules of ethics to the reality of the practice of the profession of radiology technologist within a partnership or a joint-stock company, as established in the draft Regulation respecting the practice of the profession of radiology technologist within a partnership or a joint-stock company.

The Ordre des technologues en radiologie 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 Emmanuelle Duquette, Ordre des technologues en radiologie du Québec, 6455, rue Jean-Talon Est, bureau 401, Saint-Léonard (Québec), H1S 3E8; telephone: 514 351-0052; fax: 514 355-2396.

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^e 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 radiology technologists *

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

1. The Code of ethics of radiology technologists is amended by inserting the following before Chapter I:

“CHAPTER 0.I GENERAL

0.1. This Code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties that must be discharged by a radiology technologist, regardless of the context or manner in which a radiology technologist carries on his professional activities or the nature of his contractual relationship with clients.

0.2. A radiology technologist shall comply with the Radiology Technologists Act (R.S.Q., c. T-5), the Professional Code and their regulations.

A radiology technologist shall take reasonable measures to ensure compliance with the Radiology Technologists Act, the Professional Code and their regulations by any person other than a radiology technologist who collaborates with him in the carrying on of his professional activities and any partnership or joint-stock company within which the radiology technologist carries on his professional activities.

0.3. A radiology technologist's duties and obligations under the Radiology Technologists Act, the Professional Code and their regulations are not changed or reduced by the fact that a radiology technologist practises within a partnership or joint-stock company.”

* The Code of ethics of radiology technologists approved by Order in Council 789-98 dated 10 June 1998 (1998, *G.O.* 2, 2289) was amended once by the regulation approved by Order in Council 778-2004 dated 10 August 2004 (2004, *G.O.* 2, 2549).

2. Section 11 is amended by inserting “or persons who carry on their professional activities within the same partnership or joint-stock company as him” after “members of the Order”.

3. Section 17 is amended by adding the following sentence at the end:

“A radiology technologist may not invoke the liability of the partnership or joint-stock company within which he carries on his professional activities or the liability of another person also carrying on activities as a ground for excluding or limiting his personal liability.”

4. Section 18 is replaced by the following:

“**18.** A radiology technologist shall, in the practice of his profession, subordinate his personal interests, those of the partnership or joint-stock company within which he carries on his professional activities or in which he has an interest and those of any other person carrying on activities within such a partnership or joint-stock company, to those of the client.”

5. The following is inserted after section 20:

“**20.1.** A radiology technologist may not be a party to an agreement in which the nature and extent of professional expenses can influence the quality of his practice.

A radiology technologist may not be a party to an agreement with another 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 radiology technologist or a partnership or joint-stock company of which he is a partner or shareholder regarding the enjoyment of a building or a space to practise shall be entirely evidenced in writing and include a declaration that the obligations arising from the agreement comply with the provisions of this Code and a clause authorizing release of the agreement to the Ordre des technologues en radiologie du Québec on request.”

6. Section 21 is replaced by the following:

“**21.** A radiology technologist may share his fees only with another radiology technologist or a person, a trust or an enterprise referred to in subparagraph 1 or 2 of the first paragraph of section 1 of the Regulation respecting

the practice of the profession of radiology technologist within a partnership or a joint-stock company, approved by Order in Council (*insert the number and date of the approval order of the Regulation*), or with a partnership or a joint-stock company within which the radiology technologist is authorized to carry on his professional activities.”

7. Section 22 is replaced by the following:

“**22.** A radiology technologist shall refrain from receiving any gratuity, rebate or commission relating to the practice of his profession other than customary tokens of appreciation or gifts of small value. No radiology technologist may pay, offer to pay or undertake to pay such gratuity, rebate or commission.”

8. Section 25 is amended by striking out “, unless the nature of the case so requires”.

9. The following is inserted after section 26:

“**26.1.** A radiology technologist shall take reasonable measures to ensure that the secrecy of all confidential information obtained in the practice of his profession is preserved by any employee or person who collaborates with him or carries on his activities within the partnership or joint-stock company where he carries on his professional activities.”

10. The following is inserted after section 35:

“**35.1.** A radiology technologist who practises within a partnership or joint-stock company shall ensure that the fees relating to the professional services provided by radiology technologists are always indicated separately on every invoice or statement of fees that the partnership or joint-stock company sends the client.”

11. The following is inserted after section 36:

“**36.1.** Where a radiology technologist carries on professional activities within a joint-stock company, the fees relating to the professional services rendered by him within and on behalf of the joint-stock company belong to the joint-stock company, unless agreed otherwise.”

12. Section 40 is amended by adding the following paragraph at the end:

“(7) claiming fees for professional services not provided or falsely described.”

13. The following is inserted after section 40:

“**40.1.** It is also derogatory to the dignity of the profession for a radiology technologist who carries on his professional activities within a partnership or joint-stock company

(1) to practise his profession in a partnership or joint-stock company with other persons when he becomes aware that one of the conditions, terms or restrictions pursuant to which he is authorized to carry on his professional activities has not been respected;

(2) to continue to carry on his professional activities within the partnership or joint-stock company when the representative of the partnership or joint-stock company before the Order, a director, an officer or an employee is still performing his duties within the partnership or joint-stock company more than 10 days after he has been struck off the roll for more than 3 months or had his permit revoked;

(3) to continue to carry on his professional activities within the partnership or joint-stock company when a shareholder or a partner is still directly or indirectly exercising a voting right within such partnership or joint-stock company more than 10 days after the effective date on which he was struck off the roll for more than 3 months or had his permit revoked and has not divested himself of his partnership shares or units within 180 days following the aforementioned effective date; or

(4) to enter into an agreement or permit an agreement to be entered into, including a unanimous agreement between shareholders, that operates to impair the independence, objectivity and integrity required for the practice of the profession or compliance by the members with the Radiology Technologists Act, the Professional Code and their regulations.”

14. Section 56 is amended by replacing “logo” by “graphic symbol”.

15. The following is inserted after section 56:

“**56.1.** A radiology technologist shall ensure that a partnership or joint-stock company within which he carries on his professional activities does not use the graphic symbol of the Order in connection with its advertising or name unless all the services provided by the partnership or joint-stock company are professional services rendered by radiology technologists.

In the case of a partnership or joint-stock company which provides professional services of radiology technologists and services of persons other than radiology

technologists with whom the radiology technologist carries on his professional activities, the graphic symbol of the Order may be used in connection with the name of the partnership or joint-stock company or in its advertising provided the graphic symbol identifying each of the professional orders or organizations to which such persons belong is also used.

The graphic symbol of the Order may always be used in connection with the name of a radiology technologist.

CHAPTER V
NAME

56.2. A radiology technologist shall not practise within a partnership or joint-stock company under a name or designation which is misleading, deceptive or contrary to the honour or dignity of the profession or which is a number name.

56.3. A radiology technologist who carries on his professional activities within a partnership or joint-stock company shall take reasonable measures to ensure that every document filed within the practice of his profession and issued by the partnership or joint-stock company is identified with the name of a radiology technologist.”

16. The Code is amended by replacing

(1) “the user’s” in sections 6, 9, subparagraph 3 of the first paragraph of section 27.1 by “the client’s” and “the user” in sections 11 and 19 and the first paragraph of section 29 by “the client”;

(2) “users” in the heading of Chapter II by “clients” and “the user” in sections 7, 13 and 24, the second paragraphs of sections 29 and 30 and sections 35 to 37 by “the client”;

(3) “a user” in sections 12, 16, 24, 26 and 27 by “a client”, “member” in the second paragraph of section 53 by “radiology technologist” and by adding “with a client” after “agree” in that paragraph;

(4) “the user” in sections 14 and 16 by “the client”, “the applicant” in the first paragraph of section 30 and section 31 by “the client” and “the user” in section 34 by “the client”;

(5) “users” in section 15 by “clients”.

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