

Draft Regulations

Draft Regulation

Charter of the French language
(R.S.Q., c. C-11)

Language of commerce and business — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the draft Regulation to amend the Regulation respecting the language of commerce and business, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to restrict the scope of one of the exceptions in section 51 of the Charter of the French language (R.S.Q., c. C-11), by prohibiting the use of an inscription exclusively in a language other than French on 6 types of household appliances from outside Québec, if that inscription is engraved, baked or inlaid in the product itself, riveted or welded to it or embossed on it, in a permanent manner.

The draft Regulation has no significant financial impact on Québec businesses.

Further information may be obtained by contacting Sonia Pratte, Secrétariat à la politique linguistique, 225, Grande Allée Est, Bloc A, 4^e étage, Québec (Québec) G1R 5G5; telephone: 418 380-2387, extension 7404; email: sonia.pratte@mcccf.gouv.qc.ca

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to the Minister of Culture, Communications and the Status of Women and Minister responsible for the application of the Charter of the French language, 225, Grande Allée Est, Bloc A, 1^{er} étage, Québec (Québec) G1R 5G5.

CHRISTINE ST-PIERRE,
Minister of Culture, Communications and the Status of Women and Minister responsible for the application of the Charter of the French language

Regulation to amend the Regulation respecting the language of commerce and business

Charter of the French language
(R.S.Q., c. C-11, s. 54.1)

1. The Regulation respecting the language of commerce and business (R.R.Q., c. C-11, r. 9) is amended in section 3

- (1) by striking out the last sentence of paragraph 6;
- (2) by adding the following paragraph at the end:

“Despite the foregoing, the exception provided for in subparagraph 6 of the first paragraph does not apply to an inscription appearing on a kitchen range, a microwave oven, a clothes washer, a dishwasher, a refrigerator or a clothes dryer. In addition, that exception does not apply to an inscription concerning safety unless an inscription written in French accompanies the product in a permanent manner.”

2. This Regulation comes into force on the first day of the eleventh month following the date of its publication in the *Gazette officielle du Québec*.

1963

Draft Regulation

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

Respiratory therapists — Code of ethics — Amendment

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 amending the Code of ethics of respiratory therapists of Québec”, made by the board of directors of the Ordre professionnel des inhalothérapeutes 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 adapts certain rules of ethics to the practice of the profession of respiratory therapist within a partnership or a joint-stock company, as pro-

vided in the draft of the “Regulation respecting the practice of the profession of respiratory therapist in a partnership or joint-stock company”.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Andrée Lacoursière, assistant to the general directorate, Ordre professionnel des inhalothérapeutes du Québec, 1440, rue Sainte-Catherine Ouest, bureau 320, Montréal (Québec) H3G 1R8; telephone: 514 931-2900 or 1 800 561-0029; fax: 514 931-3621; email: adjoint.dg@opiq.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Chair of the Office des professions du Québec, 800, place D’Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the Order and to interested persons, departments and bodies.

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

Regulation amending the Code of ethics of respiratory therapists of Québec

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

1. The Code of Ethics of inhalation therapists of Québec (c. C-26, r. 167) is amended by the addition, at the end of section 1, of “whatever the setting or form of their practice of the profession or the nature of their contractual relationship with the client.”

2. This Code is amended by the insertion, after section 1, of the following:

“**1.1.** A respiratory therapist shall, with respect to any person other than another respiratory therapist who is cooperating with him in the practice of the profession or with respect to any corporation or partnership within which he practices his profession, apply reasonable measures to ensure that the Professional Code and its implementing regulations are respected.

1.2. The duties and obligations of a respiratory therapist resulting from the Professional Code and its implementing regulations are not amended or diminished by the fact that a respiratory therapist practices his profession within a partnership or corporation.”

3. Section 16 of this Code is replaced by the following:

“**16.** A respiratory therapist shall, in the practice of his profession, subordinate his personal interests, those of the partnership or corporation in which he practices or has an interest and those of any other person practicing their profession within this partnership or company, to those of his client.

16.1. A respiratory therapist may not enter into any agreement with the effect of jeopardizing the independence, disinterestedness, objectivity or integrity required for the practice of his profession.”

4. This Code is amended by the insertion, after section 19, of the following:

“**19.1.** A respiratory therapist is specifically in a situation of conflict of interest if he:

(1) shares his professional income in any form whatsoever with a person, trust or company, except for:

(a) A member of the Order;

(b) A person, a trust or a company as contemplated in paragraph (1) of section 3 or paragraph (1) of section 4 of the Regulation respecting the practice of the profession of respiratory therapist in a partnership or corporation approved by Order-in-council No. (*enter number and date of the Order-in-Council here*);

(c) A partnership or corporation within which he practices his profession;

(2) gives any commission, discount, advantage or other consideration of the same kind in relation to the practice of respiratory therapy;

(3) receives, in addition to the remuneration to which he is entitled, any commission, discount, rebate, advantage or other consideration of the same kind from any person, including a vendor or manufacturer of equipment, medication or other products associated with the practice of respiration therapy, except for acknowledgments and gifts of modest value;

(4) has a credit line with a vendor or a manufacturer of equipment, medication or other products associated with the practice of respiration therapy unless he has a written agreement containing a declaration attesting that the obligations arising from it respect the provisions of this Code as well as a clause authorizing communication of this agreement to the Order on request;

(5) rents from or uses premises, equipment or other resources of any person, including a vendor or manufacturer of equipment, medication or other products associated with the practice of respiration therapy, unless there is a written agreement containing a declaration attesting that the obligations arising from it respect the provisions of this Code and a clause authorizing communication of this agreement to the Order on request.

19.2. Section 19.1 notwithstanding, a respiratory therapist is not in a situation of conflict of interests if he accepts a discount from a supplier for one of the following reasons:

(1) normal prompt payment, when such a discount appears on the invoice and complies with the customary market practices in such matters;

(2) his volume of purchases of products other than medications, when the discount appears on the invoice or statement of account and complies with the customary market practices in such matters.

19.3. If a partner, shareholder, director, executive or employee of a partnership or corporation in which a respiratory therapist practices his profession or has an interest is in a situation of conflict of interest, the respiratory therapist, upon learning of it, shall take the steps necessary to assure that information, details or documents covered by professional secrecy are not disclosed to this partner, shareholder, director, executive or employee.

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

(1) size of the partnership or corporation;

(2) precautions applied to prevent access to the records of the respiratory therapist by the person in the situation of conflict of interests;

(3) instructions given with respect to the protection of information, details or confidential documents involved in this situation of conflict of interests;

(4) isolation of the person in the situation of conflict of interest from the respiratory therapist.”

5. Section 20 of this Code is amended by adding, at the end, the following paragraph:

“Nor may he invoke the liability of the partnership or corporation in which he practices the profession or that of any other person who also practices his profession to exclude or waive his own civil liability.”

6. This Code is amended by inserting, after section 22, the following sections:

“**22.1.** A respiratory therapist shall apply reasonable measures so that the secrecy of confidential information he receives in the practice of his profession is respected by any employee or any person cooperating with him or practicing their profession within the same partnership or corporation as he does.

22.2. A respiratory therapist shall not reveal that a person has made use of his services except for the purposes of the internal administration of the partnership or corporation within which he practices his profession.”

7. This Code is amended by the insertion, after section 33, of the following:

“**33.1.** A respiratory therapist who practices his profession within a partnership or corporation shall make sure that the fees charged for professional services provided by inhalation therapists are always shown distinctly on any invoice or fee statement that the partnership or corporation sends to the client.

33.2. When a respiratory therapist practices his profession within a partnership or corporation, the fees charged for professional services he has rendered within this partnership or corporation and on its behalf belong to that partnership or corporation, unless otherwise agreed.”

8. Section 38 of this code is amended:

(1) by adding, after paragraph (1), the following:

“(1.1) taking medications or other substances, in particular narcotics, narcotic or anaesthetic preparations or any object belonging to his employer or a person with whom he deals in the practice of his profession;”

(2) by deleting paragraph (8);

(3) by adding, after sub-paragraph *b* of paragraph (12), the following:

“(c) such person is likely to be called as a witness before a disciplinary body;”

(4) by adding, at the end, the following paragraphs:

“(13) claiming fees for professional services not dispensed or falsely described;

“(14) failing to respect any written undertaking entered into with the Order or a person authorized by it.”

9. his Code is amended by inserting, after section 38, the following:

“**38.1.** It is also derogatory to the dignity of the profession when a respiratory therapist who practices his profession within a partnership or corporation:

(1) practices his profession in a partnership or corporation with other persons when he knows that any of the terms, conditions or restrictions under which he is authorized to practice his profession is not respected;

(2) continues to practice his profession within this partnership or corporation when the respondent for the partnership or corporation with the Order, a director, an executive or an employee continues to perform his duties more than 10 days after having had his membership suspended for more than 3 months or had his permit revoked;

(3) continues to practice his profession within this partnership or corporation when a shareholder or partner has been suspended for more than 3 months or had his permit revoked except if, within 10 days from the date on which this penalty has become enforceable, that partner or shareholder divests himself of his voting shares or leaves them in the hands of a trustee;

(4) enter into or allow the entering into of an agreement, in particular a unanimous shareholders’ agreement, that has the effect of jeopardizing the independence, objectivity, and integrity required for the practice of his profession or members’ respect for the Order of the Professional Code and its implementing regulations.”

10. Section 50 of this Code is replaced by the following:

“**50.** Unless he is able to substantiate them, a respiratory therapist shall not claim to possess special qualities or skills or make representations as to:

(1) his level of competence or the scope or effectiveness of his services;

(2) the level of competence or scope or effectiveness of the services of members of the Order or persons with whom he practices his profession within a partnership or corporation.”

11. This Code is amended by inserting, after Section 57, the following:

“**57.1.** A respiratory therapist shall ensure that the partnership or corporation within which he practices his profession does not use the graphic symbol of the Order

in relation with its advertising or its name unless all services provided by this partnership or corporation are professional services by respiratory therapists.

In the case of a partnership or corporation within which the professional services of respiratory therapists and of persons other than respiratory therapists are offered, the graphic symbol of the Order may be used in relation with the name or in the advertising of this partnership or corporation on condition that the graphic symbols identifying each of the professional orders or bodies to which these persons belong are also used.

However, the graphic symbol of the Order may always be used in relation to the name of a respiratory therapist.

DIVISION VI **NAME OF THE PARTNERSHIP OR CORPORATION**

“**57.2.** A respiratory therapist shall not practice his profession within a partnership or corporation under a name or designation that is deceptive, misleading, violates the honour or dignity of the profession or is a numbered corporation.”

12. This regulation comes into force on the fifteenth day that follows its publication in the *Gazette officielle du Québec*.

1962

Draft Regulation

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

Respiratory therapists **— Practice of the profession in a partnership or 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 the profession of respiratory therapist in a partnership or joint-stock company”, made by the board of directors of the *Ordre professionnel des inhalothérapeutes 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 prescribes terms and conditions for authorizing members of the Order to carry on professional activities within a partnership or a joint-stock company, particularly regarding the administration of the partnership or joint-stock company and the holding of company shares or partnership units.