

**5.** Section 22 is amended by replacing “his client’s right” by “the right of the client or the client’s legal representative” and by adding the following sentence: “The medical technologist must not, by any means, interfere with the client’s freedom of choice.”.

**6.** Section 23 is replaced by the following:

“**23.** A medical technologist must, except in an emergency, obtain free and enlightened consent from the client or the client’s legal representative before undertaking any action.”.

**7.** Section 24 is amended by inserting “or the client’s legal representative” after “client”.

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

“**24.1.** A medical technologist must declare in writing, to the service head or the director of the laboratory or, where there is no service head or director of the laboratory, to a person designated by them, any incident, accident or non-compliant process that could be detrimental to the adequate conduct of the analysis, accuracy of the result, diagnosis, therapeutic follow-up and health of the client.”.

**9.** Section 25 is amended by adding the following paragraphs:

“(5) failing to notify the Order or allowing that activities reserved for medical technologists are carried out by a person who is not authorized to practise the profession;

(6) failing to notify the Order of the incompetence of a medical technologist or the practice of the profession in a detrimental manner;

(7) communicating with the complainant without the prior written permission from the syndic or assistant syndic, where the medical technologist is informed of an inquiry into his or her professional conduct or competence or where the medical technologist has received notice of a complaint against him or her;

(8) intimidating a person or taking reprisals or threatening to take reprisals against any person who

(a) has reported derogatory behaviour or conduct or intends to do so; or

(b) has taken part or cooperated in an inquiry into derogatory conduct or behaviour or intends to do so.”.

**10.** Section 26 is amended

(1) by replacing paragraph 3 by the following:

“(3) may consider that the medical technologist is released from professional secrecy with the written or express authorization of the client or where so ordered or expressly authorized by law;”;

(2) by adding the following paragraph:

“(4) must refrain from using his or her position to obtain information irrelevant to the practice of the profession in the record of clients.”.

**11.** The heading of Division X is replaced by the following: “ACCESSIBILITY AND RECTIFICATION OF RECORDS”.

**12.** Section 47 is amended by adding “by the Order or any other authority offering training recognized by the Order” at the end.

**13.** 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)

### Occupational therapists — Professional activities that may be engaged in by persons other than occupational therapists

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 professional activities that may be engaged in by persons other than occupational therapists, appearing below and made by the board of directors of the Ordre des ergothérapeutes 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 determines the professional activities that, pursuant to the terms and conditions set out in the Regulation, may be engaged in by persons other than occupational therapists.

According to the Ordre des ergothérapeutes du Québec, the draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Caroline Fortier, Legal Advisor, Ordre des ergothérapeutes du Québec, 2021, avenue Union, bureau 920, Montréal (Québec) H3A 2S9; telephone: 514 844-5778 or 1 800 265-5778; fax: 514 844-0478.

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<sup>e</sup> 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 professional order that made the Regulation, that is the Ordre des ergothérapeutes du Québec, and to interested persons, departments and bodies.

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

## Regulation respecting professional activities that may be engaged in by persons other than occupational therapists

Professional Code  
(R.S.Q., c. C-26, s. 94, par. h)

**1.** Students registered in an occupational therapy educational program may engage in, among the professional activities that may be engaged in by occupational therapists, those that are required to complete the program, provided that the students engage in the activities under the supervision of an occupational therapist and that the program

(1) leads to a diploma giving access to the permit issued by the Order;

(2) leads to a diploma in occupational therapy issued by a Canadian university outside Québec; or

(3) leads to a diploma in occupational therapy issued by an educational institution outside Canada that has entered into an agreement on the terms and conditions of admission of a foreign student with an educational institution that has a program leading to a diploma giving access to the permit issued by the Order.

**2.** A person referred to in the third paragraph of section 7 or the second paragraph of section 8 of the Regulation respecting the standards for equivalence for the issue of a permit by the Ordre des ergothérapeutes du Québec (c. C-26, r. 117), may engage in, among the professional activities that may be engaged in by occupational therapists, those that are required to complete the training that would enable the person to be granted an equivalence, provided that the person engages in those activities.

(1) in an environment appropriate to the person's training needs and approved by the Order;

(2) under the supervision of an occupational therapist:

(a) who practices clinical activities and has pertinent professional experience;

(b) who has not been the subject of any penalty imposed by the disciplinary committee of the Order or by the Professions Tribunal during the last five years preceding acceptance as a supervisor;

(c) who has not been required to serve a refresher training period, whose right to practice has not been limited or suspended, who has not been struck off the roll, and whose permit has not been revoked in the five years preceding acceptance as a supervisor.

**3.** All persons referred to in sections 1 and 2 must engage in these activities in compliance with the rules applicable to occupational therapists, including those relating to the code of ethics as well as the keeping of records and consulting-rooms.

**4.** This Regulation replaces the Regulation respecting professional activities that may be engaged in by persons other than occupational therapists (c. C-26, r. 107).

**5.** 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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