

- (d) a complete and up-to-date register of partners; and
- (e) where applicable, a complete and up-to-date register of the directors of the partnership;
- (2) in the case of a joint-stock company,
 - (a) a complete and up-to-date register of the articles and by-laws of the joint-stock company;
 - (b) a complete and up-to-date register of the shares of the joint-stock company;
 - (c) a complete and up-to-date register of the shareholders of the joint-stock company;
 - (d) a complete and up-to-date register of the directors of the joint-stock company;
 - (e) any shareholders' agreement or voting agreement and any amendments;
 - (f) any agreement concerning the granting of share purchase options with voting rights or concerning any other right, even conditional, conferred on a person and allowing that person to be issued such shares;
 - (g) the registration declaration of the joint-stock company and any update; and
 - (h) a complete and up-to-date list of the principal officers of the joint-stock company and their domicile addresses.

DIVISION V TRANSITIONAL AND FINAL

16. A respiratory therapist practising within a partnership or joint-stock company constituted before the date of coming into force of this Regulation must comply with the requirements of this Regulation at the latest within one year after that date.

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

2358

Gouvernement du Québec

O.C. 1126-2012, 28 November 2012

Professional Code
(chapter C-26)

Respiratory therapist — Code of ethics of respiratory therapists of Québec — Amendment

Regulation to amend the Code of ethics of respiratory therapists of Québec

WHEREAS, under section 87 of the Professional Code (chapter C-26), the board of directors of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS the board of directors of the Ordre professionnel des inhalothérapeutes du Québec made the Regulation to amend the Code of ethics of respiratory therapists of 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 board of directors;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2, every regulation made by the board of directors 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 (chapter R-18.1), a draft of the Regulation to amend the Code of ethics of respiratory therapists of Québec was published in Part 2 of the *Gazette officielle du Québec* of 4 April 2012 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office has examined the Regulation and submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation to amend the Code of ethics of respiratory therapists of Québec, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of respiratory therapists of Québec

Professional Code
(chapter C-26, s. 87)

1. The Code of ethics of respiratory therapists of Québec (chapter C-26, r. 167) is amended by adding “regardless of the context or manner in which they carry on their professional activities or the nature of their contractual relationship with the client” at the end of section 1.

2. The following is inserted after section 1:

“**1.1.** A respiratory therapist must take reasonable means to ensure compliance with the Professional Code and its regulations by every person collaborating with the respiratory therapist in the practice of the profession and any partnership or joint-stock company within which the respiratory therapist practises.

1.2. The duties and obligations of a respiratory therapist under the Professional Code and its regulations are not modified or diminished by the fact that the respiratory therapist practises within a partnership or joint-stock company.”.

3. Section 16 is replaced by the following:

“**16.** A respiratory therapist must subordinate his or her personal interests, those of the partnership or joint-stock company within which the respiratory therapist practises or in which the respiratory therapist has an interest and those of any other person practising within the partnership or joint-stock company, to those of the client.

16.1. A respiratory therapist may not enter into any agreement that operates to impair the independence, impartiality, objectivity or integrity required for the practice of the profession.”.

4. The following is inserted after section 19:

“**19.1.** A respiratory therapist is in a situation of conflict of interest where, in particular, the respiratory therapist

(1) shares his or her professional income in any form whatsoever with a person, trust or enterprise, except

(a) a member of the Order;

(b) a person, trust or enterprise referred to in subparagraph 1 of the first paragraph of section 4 or subparagraph 1 of the first paragraph of section 5 of the Regulation respecting the practice of the profession of respiratory therapist in a partnership or joint-stock company, approved by Order in Council 1126-2012 dated 28 November 2012; and

(c) a partnership or joint-stock company within which the respiratory therapist practises;

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

(3) receives, in addition to the remuneration to which the respiratory therapist is entitled, any commission, rebate, discount, advantage or other consideration of the same nature from any person, including a vendor or manufacturer of equipment, medications or other products associated with the practice of respiratory therapy, except tokens of appreciation and gifts of modest value;

(4) has a credit line with a vendor or a manufacturer of equipment, medications or other products associated with the practice of respiratory therapy, unless the respiratory therapist has a written agreement containing a statement that the obligations under the agreement are in compliance with the provisions of this Code, and a clause authorizing disclosure of the agreement, on request, to the Order; or

(5) rents or uses the premises, equipment or other resources of any person, including a vendor or manufacturer of equipment, medications or other products associated with the practice of respiratory therapy, unless the respiratory therapist has a written agreement containing a statement that the obligations under the agreement are in compliance with the provisions of this Code, and a clause authorizing disclosure of the agreement, on request, to the Order.

19.2. Despite section 19.1, a respiratory therapist is not in a situation of conflict of interest if the respiratory therapist accepts a discount from a supplier because of

(1) normal prompt payment, if the discount appears on the invoice and is in keeping with customary market practices in such matters; or

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

19.3. A respiratory therapist must take the necessary measures to ensure that information and documents relevant to professional secrecy are not disclosed to a partner, shareholder, director, officer or employee of a partnership or joint-stock company within which the respiratory therapist practises or in which the respiratory therapist has an interest, where the respiratory therapist becomes aware that the partner, shareholder, director, officer or employee is in a situation of conflict of interest.

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 records of the respiratory therapist by the person in the situation of conflict of interest;
- (3) the instructions given for the protection of confidential information or documents relating to the situation of conflict of interest; and
- (4) the degree of isolation, from the respiratory therapist, of the person in the situation of conflict of interest.”

5. Section 20 is amended by adding the following paragraph at the end:

“In addition, the respiratory therapist may not invoke the liability of the partnership or joint-stock company within which the respiratory therapist practises or that of any other person also practising within the same partnership or company to exclude or waive his or her personal civil liability.”

6. The following is inserted after section 22:

“22.1. A respiratory therapist must take reasonable means to ensure that the secrecy of confidential information received in the practice of the profession is preserved by every employee or person cooperating with the respiratory therapist or practising within the same partnership or joint-stock company.

22.2. A respiratory therapist may not reveal that a person has made use of his or her services except for the purposes of internal administration of the partnership or joint-stock company within which the respiratory therapist practises.”

7. The following is inserted after section 33:

“33.1. A respiratory therapist who practises within a partnership or joint-stock company must ensure that the fees charged for professional services provided by respiratory therapists are always shown distinctly on all invoices or fee statements sent by the partnership or joint-stock company to the client.

33.2. Where a respiratory therapist practises within a joint-stock company, the fees for professional services rendered by the respiratory therapist within and on behalf of the joint-stock company belong to the company, unless otherwise agreed.”

8. Section 38 is amended

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

“(1.1) appropriating medication or other substances, in particular narcotics, narcotic or anaesthetic preparations or any other property belonging to the employer or a person with whom the respiratory therapist deals in the practice of the profession;”;

- (2) by striking out paragraph 8;

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

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

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

“(13) charging fees for professional services not provided or falsely described;

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

9. The following is inserted after section 38:

“38.1. It is also derogatory to the dignity of the profession for a respiratory therapist practising within a partnership or joint-stock company

(1) to practise with other persons when the respiratory therapist is aware that one or more of the terms, conditions or restrictions under which the respiratory therapist is authorized to practise is not being complied with;

(2) to continue to practise within the partnership or joint-stock company when the representative for the partnership or joint-stock company with the Order, a director,

an officer or an employee continues to perform duties more than 10 days after being struck off the roll for more than 3 months or having his or her permit revoked; and

(3) to continue to practise within the partnership or joint-stock company when a shareholder or partner has been struck off the roll for more than 3 months or has had his or her permit revoked except if, within 10 days after the date on which the penalty becomes enforceable, the partner or shareholder divests his or her voting shares or places them in the hands of a trustee.”.

10. Section 50 is replaced by the following:

“**50.** Unless a respiratory therapist is able to substantiate them, a respiratory therapist may not make claims to possess special qualities or skills or make representations, in particular as to

(1) the respiratory therapist’s level of competence or the scope or effectiveness of his or her services; or

(2) the level of competence or scope or effectiveness of the services of other members of the Order or persons with whom the respiratory therapist practises within a partnership or joint-stock company.”.

11. The following is inserted after section 57:

“**57.1.** A respiratory therapist must ensure that the partnership or joint-stock company within which the respiratory therapist practises does not use the graphic symbol of the Order in relation to its advertising or its name unless all services provided by the partnership or joint-stock company are professional respiratory therapy services.

In the case of a partnership or joint-stock company within which professional respiratory therapy services and other professional services are provided, the graphic symbol of the Order may be used in relation to the name or in the advertising of the partnership or joint-stock company on the condition that the graphic symbol identifying each of the professional orders or bodies to which those persons belong is also used.

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

DIVISION VI

NAME OF THE PARTNERSHIP OR JOINT-STOCK COMPANY

57.2. A respiratory therapist may not practise within a partnership or joint-stock company under a name or designation that is misleading, deceptive or contrary to the honour or dignity of the profession, or that has a numbered name.”.

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

2359

Gouvernement du Québec

O.C. 1127-2012, 28 November 2012

Professional Code
(chapter C-26)

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

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

WHEREAS, under paragraph h of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may make a regulation to determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation and the terms and conditions on which such persons may engage in such activities;

WHEREAS the board of directors of the Ordre des ergothérapeutes du Québec made the Regulation respecting professional activities that may be engaged in by persons other than occupational therapists;

WHEREAS, pursuant to section 95 of the Code and subject to sections 95.0.1 and 95.2, every regulation made by the board of directors of a professional order under the Code 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 (chapter R-18.1), a draft of the Regulation respecting professional activities that may be engaged in by persons other than occupational therapists was published in Part 2 of the *Gazette officielle du Québec* of 11 July 2012 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office has examined the Regulation and submitted it to the Government with its recommendation;