

16. 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. 163-2013, 7 March 2013

Professional Code
(chapter C-26)

Chiropractors — Code of ethics of chiropractors

Code of ethics of chiropractors

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 des chiropraticiens du Québec made the Code of ethics of chiropractors;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Code of ethics of chiropractors 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 and subject to sections 95.0.1 and 95.2 of the Professional Code, 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 Code of ethics of chiropractors was published in Part 2 of the *Gazette officielle du Québec* of 19 September 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 Code of ethics of chiropractors, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Code of ethics of chiropractors

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

CHAPTER I GENERAL

1. This Code determines, pursuant to section 87 of the Professional Code (chapter C-26), the duties of every member of the Ordre des chiropraticiens du Québec towards the public, patients and the profession.

2. Chiropractors must take reasonable measures to ensure that each person, employee, shareholder or partner who collaborates with them in the practice of the profession complies with the Chiropractic Act (chapter C-16), the Professional Code and their regulations.

Chiropractors who practise their profession within a partnership within the meaning of the Civil Code of Québec or a partnership or joint-stock company referred to in Chapter VI.3 of the Professional Code and are partners, shareholders, directors or officers must take reasonable measures to ensure that the partnership or joint-stock company complies with the Chiropractic Act, the Professional Code and their regulations.

3. Chiropractors may not allow other persons to perform acts on their behalf which, if performed by chiropractors, would be in contravention of the Chiropractic Act, the Professional Code or their regulations.

4. A chiropractor's duties and obligations under the Chiropractic Act, the Professional Code and their regulations are in no way changed or reduced by the fact that the chiropractor practises the profession within a partnership or joint-stock company.

5. Chiropractors must ensure that their obligations towards the partnership or company within which they practise as director or officer are not incompatible with their obligations towards their patient.

CHAPTER II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

DIVISION I GENERAL

6. Chiropractors must, as far as possible, support every measure likely to improve the quality and availability of professional services in the field in which they practise.

7. In the practice of their profession, chiropractors must take into account all the foreseeable consequences which their research and work may have on the public.

8. Chiropractors must promote measures of education and information in the field in which they practise and, as far as possible, take an active part to ensure such education and information.

DIVISION II RESTRICTIONS AND OBLIGATIONS RELATING TO ADVERTISING

9. Chiropractors may not engage, by any means whatsoever, in advertising that is false, misleading, incomplete or liable to mislead.

10. Chiropractors must avoid all advertising likely to tarnish the image of the profession or to impart to it a profit-seeking or mercantile character.

11. Chiropractors may not engage, by any means whatsoever, in advertising that compares the quality of their services to that of services rendered by another chiropractor or by any other person or health professional.

12. Chiropractors may not engage, by any means whatsoever, in advertising that is likely to unduly influence persons who may be physically or emotionally vulnerable because of their age, their state of health or their personal condition.

13. Chiropractors may not claim to possess specific qualities or skills unless they can substantiate such claim.

14. Chiropractors who address the public may not

(1) send information not based on principles recognized by chiropractic science;

(2) express opinions that are not generally acknowledged by chiropractic science; or

(3) engage in unsuitable advertising in favour of a method of examination or treatment.

15. For every advertisement they broadcast or publish, chiropractors must ensure that the public is clearly aware that it is an advertisement.

16. Chiropractors advertising a price, a rebate, a discount or free products or services must

(1) establish fixed amounts, if applicable;

(2) specify the nature and extent of the services included in the price, rebate, discount or free products or services;

(3) indicate if additional services likely to be required are not included and, if such is the case, indicate their price;

(4) give more importance to the services than to the price, rebate, discount or free products or services; and

(5) keep the price, rebate, discount or free products or services in effect for a minimum period of 90 days after the advertisement was last broadcast or published.

Despite the foregoing, nothing prevents chiropractors from agreeing with a patient on a price lower than the one published or broadcast.

17. Chiropractors must avoid all false advertising regarding

(1) a price reduction;

(2) a regular price or any other reference price for services; or

(3) the advantageous price of certain services.

18. Chiropractors must ensure that the persons collaborating with them in the practice of their profession, in any capacity whatsoever, comply with the rules respecting advertising.

19. All chiropractors who are partners or collaborate in the practice of their profession are jointly responsible for complying with the rules respecting advertising, unless one of the chiropractors demonstrates that the advertising was done without his or her knowledge and consent and in spite of the measures taken to ensure compliance with those rules.

20. Chiropractors who use the graphic symbol of the Order in their advertising must ensure that it is identical to the original kept by the secretary of the Order.

CHAPTER III DUTIES AND OBLIGATIONS TOWARDS THE PATIENT

DIVISION I GENERAL

21. In the practice of their profession, chiropractors must show respect for the life, dignity and freedom of their patient.

22. Chiropractors must practise their profession in accordance with the principles recognized by chiropractic science.

23. Before accepting a mandate, chiropractors must take into consideration the limits of their abilities, knowledge and the means at their disposal. They must not, in particular, undertake treatment for which they are not sufficiently prepared without obtaining the necessary assistance.

24. Chiropractors must at all times acknowledge the right of the patient to consult another chiropractor, a member of another professional order or any other competent person.

25. Chiropractors must refrain from practising under conditions, in states, places or circumstances likely to impair the quality of their services.

26. Screening examinations must take place in places that allow for their proper execution such as chiropractors' offices, schools, sports facilities and the workplace, excluding public halls.

Screening examinations must take place so as to respect the patient's confidentiality and privacy.

27. A screening campaign examination must be capable of determining the need for further chiropractic examinations or treatments and include a questionnaire.

28. Chiropractors must seek to establish a relationship of mutual trust with their patient. For that purpose, they must, in particular

(1) practise their profession in a personalized manner; and

(2) conduct interviews with respect for their patient's values and personal convictions.

29. Chiropractors must refrain from intervening in the personal affairs of their patient on subjects which are not under the generally acknowledged competence of the profession.

30. Subject to respecting professional secrecy, chiropractors must collaborate with their patient or the patient's relatives or with any other person in the interest of that patient.

31. Before carrying out a chiropractic treatment, chiropractors must perform examinations on their patient including, in particular, the following items:

(1) the appropriate history of the case;

(2) the clinical and radiological examinations required by the patient's condition;

(3) sufficient research of any subjacent pathology and anomaly by the diagnostic methods indicated and in compliance with standards of chiropractic science; and

(4) an unequivocal indication of an appropriate chiropractic therapy.

32. Chiropractors must refrain from using diagnostic means whose scientific value is not recognized according to the standards of chiropractic science.

33. Chiropractors must refrain from providing care to their patient which is not required under the standards of chiropractic science.

34. Chiropractors must provide their patient with the best possible care that is indicated in accordance with the standards of chiropractic science.

35. Chiropractors must have a conduct beyond reproach towards every person and must, in particular, act with respect, courtesy, moderation and integrity.

36. Chiropractors must refrain from consulting, collaborating or agreeing with a person who does not have the competence or appropriate scientific knowledge in the field in which they practise.

37. Chiropractors must refrain from repeatedly or insistently inciting a person, whether personally or through a natural or legal person, a partnership or joint-stock company, a group or association, to have recourse to their professional services.

38. Chiropractors must refrain from guaranteeing their patient, expressly or implicitly, the curing of an illness or the effectiveness of a chiropractic treatment. They must provide them with an estimate of the duration of the treatment or the number of visits that the patient's condition requires.

39. Chiropractors must refrain from giving or causing to be given to a patient an unjustifiable material benefit, in particular by falsifying a declaration, report or any document respecting the health of a patient or the chiropractic care administered to the latter.

DIVISION II **INTEGRITY**

40. Chiropractors must carry out their professional duties with integrity.

41. Chiropractors must avoid any misrepresentation with respect to their level of competence, to the efficiency of their services or of those generally provided by the members of their profession or, if applicable, to the level of competence and the efficiency of the services of the persons who carry on their professional activities within the same partnership or joint-stock company as them.

42. If the interest of the patient so requires, chiropractors must, with the patient's consent, consult another chiropractor, a member of another professional order or any other competent person or refer the patient to one of those persons.

43. Prior to the examination or treatment proposed, chiropractors must obtain from the patient a written, free and enlightened consent after having informed the patient of the nature of the problem to be treated, the treatment procedure and the potential benefits and risks.

Chiropractors must also inform their patient that their consent may be revoked at any time and that any material change in the treatment plan agreed to requires a separate consent.

44. Chiropractors must refrain from giving opinions or advice that is contradictory or incomplete. To that end, they must try to know all the facts before giving an opinion or advice.

45. Chiropractors must inform their patient as soon as possible of any incident, accident or complication likely to have or that has had a significant impact on the patient's health or physical integrity.

DIVISION III **AVAILABILITY AND DILIGENCE**

46. In the practice of their profession, chiropractors must display reasonable availability and diligence.

47. In addition to opinions and advice, chiropractors must provide their patient with all explanations necessary to the understanding and appreciation of the services provided to the patient.

48. Chiropractors must be objective and impartial when persons ask them for information.

49. Unless they have just and reasonable grounds for doing so, chiropractors may not terminate the services they provide to a patient. The following, in particular, constitute just and reasonable grounds:

(1) loss of the patient's trust;

(2) being in a situation of conflict of interest or in any situation in which their professional independence might be called into question; and

(3) inducement by the patient to perform acts that the chiropractor knows to be illegal, unfair or fraudulent.

50. Before terminating their services, chiropractors must notify the patient within a reasonable time and take the necessary measures to prevent prejudice to the patient.

DIVISION IV **LIABILITY**

51. Chiropractors may not, in the practice of their profession, evade their personal civil liability by inserting in a contract of professional services any clause directly or indirectly excluding, in whole or in part, their civil liability, that of the partnership or joint-stock company within which they carry on their professional activities, or that of any person carrying on his or her professional activities within that same partnership or joint-stock company.

DIVISION V **INDEPENDENCE AND IMPARTIALITY**

52. Chiropractors must safeguard their professional independence and ignore any intervention by a third person which could influence the performance of their professional duties to the detriment of their patient.

53. Chiropractors must, at all times and under any circumstances, subordinate their personal interest to that of their patient. Without restricting the generality of the foregoing, chiropractors are in conflict of interest when the interests concerned are such that they may be influenced to favour certain of them instead of those of their patient or their judgment and loyalty towards the latter may be unfavourably affected.

In all cases in which chiropractors carry on professional activities within a partnership or joint-stock company, situations of conflict of interest are assessed with regard to all patients or clients of persons with whom chiropractors carry on professional activities within the partnership or joint-stock company.

54. Chiropractors must take the necessary measures to ensure that information and documents protected by professional secrecy are not disclosed to a partner, shareholder, director, officer or employee of a partnership or joint-stock company within which chiropractors carry on their professional services or in which they have an interest, where they become 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 chiropractor 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 chiropractor, of the person in the situation of conflict of interest.

55. Chiropractors may share professional fees only with

- (1) a member of the Ordre des chiropraticiens du Québec; or
- (2) a person with whom they are authorized to carry on their professional activities under the Regulation respecting the practice of the profession of chiropractor within a partnership or joint-stock company, approved by Order in Council 162-2013 dated 7 March 2013, or with a partnership or joint-stock company within which they are authorized to carry on their professional activities under that Regulation.

56. Except for the professional fees to which they are entitled, chiropractors or the partnership or joint-stock company within which they carry on their professional activities may not receive, solicit, pay, offer to pay, or agree to pay any rebate, commission or other benefit relating to the performance of professional services, except tokens of appreciation or gifts of small value.

57. For a given service, chiropractors must only accept fees from a single source, unless explicitly agreed otherwise by all the parties concerned. Chiropractors must accept payment of these fees only from their patient or the latter's representative.

58. As soon as chiropractors become aware that they are in a situation of conflict of interest, they must notify their patient and terminate their professional services, unless the patient, after being informed of the nature of the conflict of interest and all the facts relating thereto, authorizes them in writing to continue their professional services.

DIVISION VI PROFESSIONAL SECRECY

59. Chiropractors must preserve professional secrecy, unless relieved by the patient or where expressly provided by law.

60. Chiropractors must take reasonable measures to ensure that any person who cooperates with them or carries on his or her activities within the same partnership or joint-stock company maintains professional secrecy.

61. Chiropractors who communicate information that is protected by professional secrecy pursuant to the third paragraph of section 60.4 of the Professional Code must, for each communication, enter the following particulars in the patient's record as soon as possible:

- (1) the name of the person or group of persons exposed to the danger;
- (2) the reasons supporting the decision to communicate the information; and
- (3) the subject of the communication, the mode of communication, the name of any person to whom the information was given and the date and time it was communicated.

Chiropractors must also send that information to the syndic as soon as possible.

62. Chiropractors must not disclose that a person used their services.

63. Chiropractors must avoid holding or participating in indiscreet conversations concerning a patient and the services rendered to him or her.

64. Chiropractors must not make use of confidential information to the prejudice of a patient or with a view to obtaining, directly or indirectly, a benefit for themselves, for another person or for the partnership or joint-stock company within which they carry on their professional activities.

DIVISION VII ACCESSIBILITY OF RECORDS AND CORRECTION OF INFORMATION

65. Chiropractors must allow their patient to take cognizance of the documents which concern him or her in any record constituted on his or her behalf and to obtain a copy of such documents.

If the disclosure of the documents to their patient would likely reveal personal information concerning a third person or the existence of such information, and the disclosure could seriously harm that third person, chiropractors must obtain the latter's authorization before communicating the information to their patient except in the case of an emergency that threatens the life, health or safety of the patient concerned.

66. Chiropractors must allow their patient to cause to be corrected any information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected, in a document concerning the patient in any record constituted on his or her behalf. Chiropractors must also allow their patient to cause to be deleted any information that is outdated or not justified by the object of the record, or to prepare written comments and file them in the record.

67. Chiropractors holding a record that is the subject of a request for access or correction by the patient concerned must respond to that request with diligence and not later than 20 days after the date of the request.

68. Access to the information contained in a record is free of charge. Despite the foregoing, a fee not greater than the cost of transcription, reproduction or transmission of the information may be charged to the patient. Chiropractors who intend to charge a fee under this section must, before transcribing, reproducing or transmitting the information, inform their patient of the approximate amount exigible.

69. Chiropractors who, under the law, refuse to grant a patient's request for access or correction must give reasons for the refusal in writing, enter the reason in the patient's record and inform the patient of his or her recourses.

70. Chiropractors who grant a request for correction must issue free of charge to the patient a copy of any information modified or added or, as the case may be, an attestation that information has been deleted.

The chiropractor sends a copy of the information or attestation to the person from whom he or she received the information in question, or to any person to whom that information has been disclosed.

71. Chiropractors holding information that is the subject of a request for access or correction must, if they do not grant the request, retain the information for such time as is necessary to allow the patient concerned to exhaust the recourses provided by law.

DIVISION VIII DETERMINATION AND PAYMENT OF FEES

72. Chiropractors or the partnership or joint-stock company within which they carry on their professional activities must charge and accept fair and reasonable fees.

73. Fees are fair and reasonable if they are justified by circumstances and are in proportion to the services rendered. Chiropractors or the partnership or joint-stock company within which they carry on their professional activities must, in particular, take into account the following factors to determine their fees:

- (1) the time devoted to the performance of the professional service;
- (2) the complexity and scope of the service; and
- (3) the performance of services that are unusual or require exceptional competence or celerity.

74. Chiropractors or the partnership or joint-stock company within which they carry on their professional activities must provide their patient with all the explanations required for the understanding of his or her statement of fees and of the terms and conditions of payment and, on request, a detailed statement of the fees.

Chiropractors must ensure that the fees are always indicated separately on any invoice or statement of fees sent by the partnership or joint-stock company to the patient.

75. Chiropractors or the partnership or joint-stock company within which they carry on their professional activities must refrain from demanding advance payment for their services. They must inform their patient of the approximate cost of their services.

76. Chiropractors or the partnership or joint-stock company within which they carry on their professional activities may collect interest on outstanding accounts only after having duly notified their patient thereof. The interest so charged must be at a reasonable rate.

77. Before having recourse to legal proceedings, chiropractors or the partnership or joint-stock company within which they carry on their professional activities must have exhausted all other means available for obtaining payment of their fees.

78. Chiropractors must not sell or otherwise transfer their accounts of professional fees, except to a colleague or a partnership or joint-stock company within which they are authorized to carry on their professional activities pursuant to the Regulation respecting the practice of the profession of chiropractor within a partnership or a joint-stock company approved by Order in Council 162-2013 dated 7 March 2013.

79. Where chiropractors or the partnership or joint-stock company within which they carry on their professional activities appoint another person to collect their fees, they must ensure that the latter acts with tact and moderation.

80. Where chiropractors carry on their professional activities within a joint-stock company constituted for the purposes of such activities, the fees and expenses related to the professional services that they have rendered within the company and on its behalf belong to that company, unless otherwise agreed.

The determination, billing and payment of fees is subject to the conditions set out in this Division and chiropractors are personally responsible for seeing to their application.

CHAPTER IV DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

DIVISION I INCOMPATIBLE OFFICES AND DUTIES

81. Chiropractors who, directly or through a natural or legal person, a partnership, a group or an association, hold any interest in a business whose object is the production or sale of apparatus or products which may be used for chiropractic examination or treatment when such interest places chiropractors in a situation of conflict of interest with respect to their patient act in a manner which is incompatible with the practice of the profession.

Any agreement entered into by chiropractors or a partnership or company of which chiropractors are partners or shareholders regarding the enjoyment of a building or a space to carry on their professional activities must be entirely recorded in writing and include a statement 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 chiropraticiens du Québec on its request.

82. Chiropractors must ensure that none of the activities in which they engage in connection with an office within an enterprise, and which do not constitute the

practice of their profession of chiropractor, compromise compliance with the obligations prescribed by this Code, including honour, dignity and integrity of the profession.

83. Engaging in personal activities or activities relating to health services likely to compromise compliance with the duties and obligations that this Code imposes on chiropractors is incompatible with the practice of the profession.

DIVISION II DEROGATORY ACTS

84. In addition to the acts referred to in sections 57, 58, 59.1 and those that can be determined pursuant to the second paragraph of section 152 of the Professional Code, the following acts on the part of chiropractors are derogatory to the dignity of the profession:

(1) not notifying the Order that they have reason to believe that a candidate for the practice of chiropractic is unsuited to the practice of the profession or that a chiropractor does not abide by the code of ethics of chiropractors;

(2) practising their profession under a number name or name or designation which is misleading or contrary to the honour or dignity of the profession;

(3) through authorization, advice, an order or encouragement, inciting a person who is not a member of the Order to engage in a professional activity reserved for the members of the Order;

(4) communicating with the plaintiff without the prior written permission of the syndic or his or her assistant, once informed of an investigation into the chiropractor's professional conduct or competence or a complaint has been served on the chiropractor;

(5) carrying on professional activities within a company or partnership, or having interest in such company or partnership, where a partner, shareholder, director, officer or employee of the partnership or company is struck off the roll for more than 3 months or has his or her professional permit revoked, except if, within 15 days from the date on which the striking off or revocation becomes executory, the partner, shareholder, director, officer or employee ceases to act as a director or officer within the partnership or company, to attend all shareholders meetings and to exercise his or her right to vote, and disposes of his or her company shares with voting rights or leaves them in the care of a trustee; and

(6) failing to inform the Order that the chiropractor has reason to believe that a chiropractor or a partnership or joint-stock company within which chiropractors practise contravenes the Professional Code or a regulation made under the Code.

85. Unless a chiropractor has obtained a pardon, the chiropractor must send to the secretary of the Order any decision of a Canadian or foreign court declaring the chiropractor guilty of a criminal offence in matters of sexual assault, aggravated assault, fraud or theft, within 10 days of its receipt.

The chiropractor must also, under the same conditions, send to the secretary of the Order any decision rendered in Québec declaring the chiropractor guilty of a penal offence in section 188 of the Professional Code and any decision rendered outside Québec in respect of an offence which, if committed in Québec, could have resulted in penal proceedings under those provisions.

DIVISION III RELATIONS WITH THE ORDER AND THE PROFESSION

86. Chiropractors whose participation in a council for the arbitration of accounts, a committee on discipline or a professional inspection committee is requested by the Order must accept that duty unless they have exceptional grounds for refusing.

87. Chiropractors must, as soon as possible and according to the method of communication requested as the case may be, answer all correspondence addressed to them by the Order, a syndic, an expert, an inspector or the members of the professional inspection committee.

88. Chiropractors must not abuse a colleague's good faith or be guilty of a breach of trust or of disloyal practices towards him or her. They must not, in particular, take credit for a treatment practised by a colleague.

89. Chiropractors consulted by a colleague must provide the latter with their opinion and recommendations as soon as possible.

DIVISION IV CONTRIBUTION TO THE ADVANCEMENT OF THE PROFESSION

90. Chiropractors must, as far as they are able, contribute to the development of their profession by sharing their knowledge and experience with their colleagues and students, and by their participation in continuing education requirements.

Chiropractors may solicit public participation in a research program or experience only after having obtained written approval from the board of directors of the Order. To that end, chiropractors must fill out and send to the secretary of the Order the form entitled "Application for approval of a research program" and attach to it the protocol of the research program they wish to carry out, establishing its compliance with the guidelines concerning research involving human subjects of the Université du Québec à Trois-Rivières (2003-CA483-07-R4710). The guidelines are available on the university's website.

DIVISION V TRANSITIONAL AND FINAL

91. This Code replaces the Code of ethics of chiropractors (chapter C-16, r. 5) and the Regulation respecting advertising by chiropractors (chapter C-16, r. 12).

92. 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. 164-2013, 7 March 2013

Professional Code
(chapter C-26)

Professional activities that may be engaged in within the framework of pre-hospital emergency services and care — Amendment

Regulation amending the Regulation respecting the professional activities that may be engaged in within the framework of pre-hospital emergency services and care

WHEREAS, under paragraph *h* of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by regulation, 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, in particular persons serving a period of professional training determined pursuant to paragraph *i* of that section, and the terms and conditions on which such persons may engage in such activities;

WHEREAS the board of directors of the Collège des médecins du Québec made the Regulation amending the Regulation respecting the professional activities that may be engaged in within the framework of pre-hospital emergency services and care;