

## Draft Regulation

Professional Code  
(chapter C-26)

### Notaries

#### — Professional activities that may be engaged in by persons other than notaries

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting professional activities that may be engaged in by persons other than notaries, adopted by the board of directors of the Chambre des notaires du Québec and appearing below, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to allow persons who serve a professional training period to engage in certain activities reserved for notaries.

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

Further information may be obtained by contacting Nathalie Provost, notary, Direction des services juridiques, Chambre des notaires du Québec, 600-1801, avenue McGill College, Montréal (Québec) H3A 0A7; telephone: 514 879-1793, extension 5222, or 1 800 263-1793, extension: 5222; fax: 514 879-1923; email: nathalie.provost@cnq.org

Any person wishing to comment on the matter 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 adopted the Regulation, the Chambre des notaires du Québec, and to interested persons, departments and bodies.

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

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

Professional Code  
(chapter C-26, s. 93, par. h)

**1.** A person completing an internship under paragraph 2 of section 2 of the Regulation respecting terms and conditions for the issuance of permits by the Chambre des notaires du Québec, approved by the Office des professions du Québec on (*date*), may, under the supervision and responsibility of a notary authorized for this purpose by the academic institution concerned, engage in any notarial activity that does not fall within the jurisdiction of a public officer.

**2.** This Regulation comes into force on 1 January 2014.

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## Draft Regulation

Professional Code  
(chapter C-26)

### Psychoeducators — Code of ethics

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Code of ethics of psychoeducators, adopted by the board of directors of the Ordre des psychoéducateurs et psychoéducatrices du Québec and appearing below, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The Regulation replaces the Code of ethics of the members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec (chapter C-26, r. 68), which became applicable to psychoeducators when the Ordre des psychoéducateurs et psychoéducatrices du Québec was created.

The amendments made by the new Regulation mainly update and specify the duties and obligations of psychoeducators towards the client, the public and the profession so as to better protect the public, following the creation of the distinct order.

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

Further information may be obtained by contacting Renée Verville, director general and secretary of the Ordre des psychoéducateurs et psychoéducatrices du Québec, 1600, boulevard Henri-Bourassa Ouest, bureau 510, Montréal (Québec) H3M 3E2; telephone: 514 333-6601 or 1 877 913-6601; fax: 514 333-7502; email: rverville@ordrepesd.qc.ca

Any person wishing to comment on the matter 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 Order and to interested persons, departments and bodies.

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

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## Code of ethics of psychoeducators

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

### DIVISION I PRELIMINARY

**1.** This Code determines the duties and obligations that must be discharged by psychoeducators, regardless of the context or manner in which they carry on their professional activities or the nature of their contractual relationship with clients.

The duties and obligations under the Professional Code (chapter C-26) and its regulations are not modified in any manner owing to the fact that a psychoeducator carries on professional activities within a partnership or joint-stock company.

**2.** Psychoeducators may not exempt themselves, even indirectly, from a duty or obligation contained in this Code.

**3.** Psychoeducators must take all reasonable means so that every person who collaborates with them in the practice of their profession, and any partnership or joint-stock company within which they carry on their professional activities, comply with the Professional Code and its regulations, including this Code.

**4.** Psychoeducators may not perform any act or behave in any manner that is contrary to what is generally admissible in the practice of the profession, or that is likely to tarnish the image of the profession.

### DIVISION II

#### DUTIES AND OBLIGATIONS TOWARDS THE CLIENT, THE PUBLIC AND THE PROFESSION

##### §1. *Quality of the professional relationship*

**5.** In their practice, psychoeducators must show respect for the dignity and freedom of persons and refrain from any form of discrimination.

If psychoeducators consider that they are unable to ensure the quality of the professional relationship in compliance with the obligations referred to in the first paragraph, they must refer their client to another psychoeducator.

**6.** Psychoeducators must refrain from acting in any manner that may affect the physical, mental or emotional integrity of the person with whom they establish a relationship in the practice of their profession.

**7.** Psychoeducators must act with diligence and availability.

**8.** Psychoeducators must seek to establish and maintain a relationship of trust with their client.

**9.** Psychoeducators must refrain from interfering in the personal affairs of their client on subjects that are not relevant to the practice of the profession.

**10.** During the professional relationship, psychoeducators must not establish relations of an intimate, amorous or sexual nature with their client or a relative of the client.

The duration of the professional relationship is determined taking into account the nature of the problems and the duration of professional services provided, the client's vulnerability and the likelihood of having to provide professional services to the client again.

**11.** Psychoeducators may not refuse or cease to act on behalf of a client, without just and reasonable grounds, in particular

(1) the inability to establish or maintain a relationship of trust with their client;

(2) a real or apparent conflict of interest or in a situation in which their professional independence could be questioned;

(3) inducement by their client or a relative of the client to perform illegal acts or acts that are contrary to the provisions of this Code;

(4) non-compliance by their client with the conditions agreed on to provide services, including professional fees, and the impossibility of negotiating with the client a reasonable agreement to reinstate the conditions.

**12.** Before refusing or ceasing to carry on their professional activities with a client, psychoeducators must so inform the client and take the necessary measures to avoid any prejudice to the client.

**13.** Psychoeducators must inform their client as soon as possible of any action, taken in connection with a professional service, that may be prejudicial to the client.

**14.** Psychoeducators must at all times acknowledge their client's right to consult another professional or any other competent person.

## *§2. Consent*

**15.** Psychoeducators must, except in an emergency, obtain the free and enlightened consent of their client, the client's representative or parents, in the case of a child under 14 years of age, before providing professional services.

To enable their client to give free and enlightened consent, psychoeducators must inform the client of and ensure that the client understands

(1) the objective, nature, relevance and main terms of the professional services;

(2) the alternatives, limits and constraints on the professional service;

(3) the use of information obtained;

(4) the implications of sharing information with third persons or sending a report to third persons;

(5) the fees, the collection of interest on accounts and the terms of payment.

**16.** Psychoeducators must ensure that the consent remains free and enlightened throughout the professional relationship.

**17.** Psychoeducators must acknowledge the client's right to revoke his or her consent at any time.

## *§3. Confidential information*

**18.** Psychoeducators must preserve the secrecy of all confidential information that becomes known to them in the practice of their profession.

Psychoeducators may be released from their obligation of professional secrecy only where so authorized by their client or where so ordered or expressly authorized by law.

In order to obtain the client's authorization, psychoeducators must inform the client of the use and possible implications of the transmission of information.

**19.** In addition to the cases provided for in section 18, psychoeducators may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where they have reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

Despite the foregoing, psychoeducators may only communicate the information to a person exposed to the danger or that person's representative, or to the persons who can come to that person's aid.

Psychoeducators may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

**20.** Psychoeducators who, pursuant to section 19, communicate information protected by professional secrecy to prevent an act of violence must

(1) communicate the information immediately; and

(2) enter in the client's record as soon as possible

(a) the reasons supporting the decision to communicate the information; and

(b) the mode and subject of the communication and the name of the person to whom the information was given.

**21.** For the purpose of preserving professional secrecy, psychoeducators must

(1) refrain from any indiscreet conversation concerning their client and the professional services provided to the client;

(2) take the reasonable means with respect to their colleagues and persons under their supervision;

(3) not disclose that a client has required their professional services.

**22.** Where psychoeducators ask a client to disclose confidential information or where they allow a client to disclose such information, they must clearly inform the client of the various uses that could be made of the information.

**23.** Before transmitting a report to a third person, psychoeducators must obtain explicit authorization from the client after the client has been made aware of the information in the report.

**24.** Psychoeducators who transmit confidential information, in particular within a multidisciplinary or interdisciplinary team or an institutional program, must limit the transmission to information that is relevant and necessary to achieve the objectives pursued.

**25.** Psychoeducators may not reveal or communicate the results of an evaluation obtained with measurement or evaluation instruments without the written authorization of their client.

**26.** Psychoeducators may only transmit the raw, unprocessed data resulting from an evaluation to a competent professional.

**27.** When psychoeducators cease to perform their professional duties for an employer, they must inform their employer of the confidential information contained in the records for which they were responsible and propose the necessary measures to preserve the confidentiality of such information. If the confidentiality of the information could be compromised, they must notify the secretary of the Ordre des psychoéducateurs et psychoéducatrices du Québec.

#### *§4. Accessibility and rectification of records*

**28.** Psychoeducators must respond promptly, at the latest within 20 days of its receipt, to any request made by a client to consult or obtain a copy of documents that concern the client in his or her record.

Psychoeducators may charge the client reasonable fees not exceeding the cost of reproducing or transcribing documents or the cost of transmitting a copy of the documents.

Before transcribing, reproducing or transmitting the documents, psychoeducators who intend to charge such fees must inform the client of the approximate amount to be paid.

**29.** Psychoeducators must respond promptly, at the latest within 20 days of its receipt, to any request made by a client to have information that is inaccurate, incomplete, ambiguous, outdated or unjustified corrected or deleted in any document concerning the client. In addition, psychoeducators must notify the client of the client's right to make written comments and file them in the record.

Psychoeducators must give the client, free of charge, a duly dated copy of the document or part of the document filed in the record so that the client may verify that the information has been corrected or deleted or, as applicable, give the client an attestation stating that the client's written comments have been filed in the record.

Psychoeducators must forward a copy, free of charge, of the corrected information or an attestation stating that the information has been deleted or, as applicable, that the written comments have been filed in the record, to every person from whom psychoeducators received the information that was the subject of the correction, deletion or comments, and to every person to whom the information was communicated.

**30.** Psychoeducators who deny a client access to information contained in the client's record, where authorized by law, or who refuse to grant a client's request to correct or delete information in any document concerning the client must inform the client in writing of the reasons for the refusal and enter them in the record.

**31.** Psychoeducators must respond promptly, at the latest within 20 days of its receipt, to any written request from a client to have a document returned to the client.

#### *§5. Professional independence and conflict of interest*

**32.** Psychoeducators must act with objectivity and subordinate their personal interests or, where applicable, those of their employer, colleagues or a third person who pays fees to those of their client.

**33.** Psychoeducators must safeguard their professional independence at all times, in particular,

(1) by ignoring any intervention by a third person that could influence their professional judgment or the performance of their professional activities to the detriment of their client;

(2) by avoiding to use their professional relationship to obtain for themselves or a third person benefits of any nature;

(3) by avoiding any real or apparent situation of conflict of interest, including when the interests are such that psychoeducators may tend to favour certain of them over those of their client, or where their integrity and loyalty towards the client may be unfavourably affected.

**34.** Psychoeducators who become aware that they are in a real or apparent conflict of interest must notify their client and take the means necessary to ensure that the situation does not cause prejudice to the client.

**35.** Psychoeducators must not urge a person insidiously, pressingly or repeatedly to retain their professional services or to participate in research.

**36.** Psychoeducators must not perform unwarranted professional acts or unnecessarily increase the number of such professional acts, and must refrain from performing acts that are inappropriate or disproportionate to the client's needs.

**37.** Psychoeducators must not issue, out of kindness or for any other reason, inaccurate receipts, falsify or destroy part of or an entire report or record.

**38.** Except for the remuneration to which they are entitled, psychoeducators may not receive, pay or offer to pay any benefit, rebate or commission relating to the practice of their profession except for customary tokens of appreciation and gifts of small value.

**39.** Psychoeducators must refrain from exerting any undue pressure to influence the board of directors of the Order, a committee or council of the Order or any other person acting on behalf of the Order.

#### *§6. Quality of practice*

**40.** Psychoeducators must discharge their professional obligations with competence, loyalty and integrity.

**41.** Psychoeducators must avoid any misrepresentation with respect to their competence or the efficiency of their own services or those generally provided by the members of their profession or, where applicable, those generally provided by persons who work with them or who carry on their activities within the same partnership or joint-stock company as them.

**42.** Psychoeducators must practise their profession in keeping with good practice and generally accepted standards.

**43.** Psychoeducators must ensure the quality of their professional services offered to the public, in particular,

(1) by ensuring that their level of competence is kept up to date and developed;

(2) by assessing the quality of their evaluations and actions; and

(3) by promoting education and information measures in the field in which they practise.

**44.** Before providing professional services, psychoeducators must evaluate their proficiency, knowledge and the means at their disposal.

As soon as the interest of their client so requires, psychoeducators must obtain the assistance from another psychoeducator or another professional, or refer the client to one of them.

**45.** Psychoeducators may not issue findings or give opinions or advice unless they have sufficient knowledge and understanding of the facts to do so.

**46.** Psychoeducators who produce a written or oral report must limit its content to the interpretations, findings and recommendations based on their professional expertise and related to the practice of the profession.

**47.** Psychoeducators must refrain from practising their profession if their state of health is an obstacle to doing so, or in any condition or state that may compromise the quality of their professional services or the dignity and image of the profession.

**48.** Psychoeducators must not, by any means of communication whatsoever, utter words, publish writings, distribute photographs, pictures, videos or perform any other act that is contrary to the provisions of this Code or urge any person to do so.

**49.** Psychoeducators must take the means necessary to not compromise the psychometric validity of a test by revealing the protocol to their client.

**50.** Psychoeducators must recognize the inherent limits of the measurement instruments they use and exercise caution in interpreting the psychometric material, in particular taking into account

(1) the specific characteristics of the tests or of the client that may interfere with their judgment or affect the validity of their interpretation;

(2) the context of the intervention; and

(3) factors that could affect the validity of the measurement instruments and necessitate changes in the administering of tests or the weighting of standards.

**51.** Psychoeducators must assume full personal civil liability. They may not evade or attempt to evade personal civil liability, by any means whatsoever, in particular by invoking the liability of the partnership or joint-stock company within which they carry on their professional activities or that of another person practising within that partnership or joint-stock company or by requesting that their client or the client's representative renounce any recourse in case of professional negligence on their part.

### §7. Professional collaboration and commitment

**52.** To the extent of their resources, qualifications and experience, psychoeducators must participate in the development and quality of the profession in particular by accompanying students and by sharing with other psychoeducators.

To the same extent, psychoeducators must collaborate with the Order in fulfilling its duties, including its duty to ensure the protection of the public.

**53.** Psychoeducators consulted by another psychoeducator must provide their opinion and recommendations within a reasonable time. If unable to do so, they must so notify the other psychoeducator as quickly as possible.

**54.** Psychoeducators must not use unfair practices against any person with whom they have a professional relationship or damage the person's reputation or breach the person's trust.

**55.** Psychoeducators may not take credit for work not performed by them.

**56.** Psychoeducators must notify the Order of the fact that a person who is not a member is using the title or abbreviations reserved for psychoeducators or is illegally practising activities reserved for them.

**57.** Psychoeducators must inform the Order if they suspect that the competence or conduct of another psychoeducator is derogatory to the dignity of the profession.

**58.** Unless they have serious grounds for refusing, psychoeducators must accept to participate in a council of arbitration of accounts, a disciplinary council, a professional inspection committee or a review committee.

**59.** Psychoeducators must collaborate and reply to any request made by a syndic, an inspector, a member of the professional inspection committee or the secretary of the Order and psychoeducators must do so within the time and using the method of communication determined by them.

**60.** In no circumstances may a psychoeducator, on being informed of an inquiry into the psychoeducator's professional conduct or competence or on being served with a complaint, communicate with the person who requested the inquiry or made the complaint or with any other person involved in the inquiry or complaint, without the prior written authorization of the syndic.

### §8. Research

**61.** Psychoeducators who undertake, participate or collaborate in research involving persons must ensure that the project has been approved by a research ethics committee. To that end, psychoeducators must

(1) inform each of the subjects or representative of the project's objectives and the manner in which it will be conducted and the advantages, risks or disadvantages related to the person's participation;

(2) obtain free and enlightened consent;

(3) inform the research subject or representative that the consent is revocable at any time.

**62.** Where the carrying out of a research activity is likely to cause prejudice to persons or the community, psychoeducators who participate in research must advise the research ethics committee or another appropriate authority.

**63.** Psychoeducators must cease any form of participation in a research activity if the disadvantages for the subjects appear to outweigh the expected benefits.

**64.** Psychoeducators must not voluntarily conceal the negative results of research in which they have taken part.

### §9. Fees

**65.** Psychoeducators must charge and accept fair and reasonable fees, taking into account

(1) their experience and particular competence;

(2) the time required to provide the professional services;

(3) the nature and complexity of the professional services;

(4) the performance of professional services that are unusual or provided in unusual conditions; and

(5) exceptional competence or celerity necessary to provide professional services.

**66.** Psychoeducators may only claim fees for professional services provided.

Psychoeducators may, however, claim reasonable cancellation fees for missed appointments.

**67.** Psychoeducators must claim from their client in writing their fees and cancellation fees, where applicable.

**68.** Psychoeducators must produce an intelligible statement of fees to their client and provide them with all explanations necessary to an understanding of the statement.

**69.** Outstanding accounts of psychoeducators bear interest at the rate agreed in advance with their client.

**70.** Before instituting legal proceedings, psychoeducators must have exhausted all means available to recover their fees and other expenses.

*§10. Obligations and restrictions respecting advertising*

**71.** Psychoeducators may not use or allow to be used in advertising any endorsement or statement of gratitude in their regard other than awards for excellence and other merits related to the practice of the profession.

**72.** In all advertising, psychoeducators must refrain from adopting attitudes, methods or using advertising practices likely to impart a mercantile character to the profession.

**73.** All advertising must indicate the psychoeducator's name along with the professional title. Where there are members of various professions included in the name of a partnership or joint-stock company, the title of each professional must appear.

**74.** Where psychoeducators reproduce the graphic symbol of the Order for advertising purposes, they must ensure that the symbol conforms to the original held by the Order.

**75.** Where psychoeducators use the graphic symbol of the Order in their advertising, they may not suggest that such advertising emanates from the Order.

**76.** Psychoeducators must refrain from participating as psychoeducators in any form of advertising that recommends that the public buy or use a product or service unrelated to the field of psychoeducation.

**77.** Psychoeducators must keep a copy of every advertisement for a period of 3 years following the date on which it was last broadcast or published. The copy must be given, on request, to the syndic, an inspector or member of the professional inspection committee.

**78.** This Code replaces the Code of ethics of the members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec (chapter C-26, r. 68).

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

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