

- (44) Medical Oncology
- (45) Ophtalmology
- (46) Otolaryngology-Head and Neck Surgery
- (47) General Pathology
- (48) Hematological Pathology
- (49) Forensic Pathology
- (50) Pediatrics
- (51) Developmental Pediatrics
- (52) Respirology
- (53) Psychiatry
- (54) Child and Adolescent Psychiatry
- (55) Forensic Psychiatry
- (56) Radiation Oncology
- (57) Diagnostic Radiology
- (58) Rheumatology
- (59) Public Health and Preventive Medicine
- (60) Urology”.

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

“**2.1.** The following specialist certificates issued by the Collège before 22 October 2015 become:

- (1) for the specialist’s certificate in pediatric general surgery, the specialist’s certificate in pediatric surgery;
- (2) for the specialist’s certificate in community medicine, the specialist’s certificate in public health and preventive medicine.”.

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

102298

Gouvernement du Québec

O.C. 836-2015, 23 September 2015

Professional Code
(chapter C-26)

Nurses
— **Code of ethics of nurses**
— **Amendment**

Regulation amending the Code of ethics of nurses

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 infirmières et infirmiers du Québec made, at its sitting of 11 and 12 December 2014, the Regulation amending the Code of ethics of nurses;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation amending the Code of ethics of nurses 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 of the 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 Regulation amending the Code of ethics of nurses was published in Part 2 of the *Gazette officielle du Québec* of 18 February 2015 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS on 17 June 2015 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 amending the Code of ethics of nurses, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation amending the Code of ethics of nurses

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

1. The Code of ethics of nurses (c. I-8, r. 9) is amended in section 2 by replacing the third paragraph with the following:

“In this Code, unless the context indicates otherwise, “client” means any person who receives care, treatment or other professional services.”

2. Section 3 of this Code is amended by adding, at the end, “or that may tarnish the image of the profession.”

3. This Code is amended by inserting the following after section 3:

“**3.1.** A nurse shall take the necessary measures to ensure respect of the client’s dignity, freedom and integrity.”

4. Section 6 of this Code is amended:

(1) by replacing “concerning her or his professional conduct or competence” with “or who is informed of the holding of a professional inspection concerning her or him”;

(2) by replacing “the inquiry or complaint” with “the inquiry, complaint or inspection”.

5. Section 8 of this Code is amended by replacing “candidates for the profession” with “other persons engaged in the process of application preceding admission to the profession”.

6. This Code is amended by inserting the following after section 14:

“**14.0.1.** A nurse shall not issue to any person, or for any reason whatsoever, a false certificate or any written or oral information that she or he knows to be erroneous.”

7. Section 15 of this Code is amended by deleting “conflicting.”

8. Section 18 of this Code is replaced by the following:

“**18.** A nurse shall practise her or his profession in accordance with generally accepted standards of practice and scientific principles. To that end, she or he shall update and develop her or his professional knowledge and skills.”

9. This Code is amended by inserting the following after section 21:

“**21.1.** A nurse who organizes a training or information activity or who acts as a resource person as part of such an activity shall declare any direct or indirect interest in any commercial firm involved in holding the activity, to the participants and, if applicable, to any other person organizing such an activity.

21.2. A nurse who is authorized to issue prescriptions must, except in emergencies or in cases which are manifestly not serious, refrain from issuing a prescription to any person with whom she or he has a relationship likely to harm the quality of her or his practice, in particular her or his spouse or children.”

10. Section 24 of this Code is replaced by the following:

“**24.** In the event of a conflict of interest or the appearance of a conflict of interest, a nurse shall take reasonable measures to ensure that care, treatment or other professional services are provided by another nurse or another health professional or another person authorized by regulation to provide them, as applicable, unless the situation requires that the nurse administer or continue to administer them. In such circumstances, the client shall be advised of the situation, to the extent permitted by the circumstances.”

11. Section 26 of this Code is replaced by the following:

“**26.** Where her or his specific knowledge and skills in a given area are needed in order to provide safe care, treatment or other professional services to a client, a nurse who is consulted by another nurse or another health professional shall provide the latter with her or his opinion and recommendations within a reasonable time.”

12. This Code is amended by inserting the following after section 26:

“**26.1.** A nurse may not terminate the professional services provided to a client unless she or he has sound and reasonable grounds, in particular:

(1) when she or he is solicited by the client to commit an unlawful act or one contrary to this Code;

(2) when the client fails to respect the conditions agreed upon in the contract for professional services, including fees, and it is impossible to negotiate a reasonable agreement with the client to have them respected;

(3) when the nurse decides to reduce or terminate her or his practice.”.

13. Section 27 of this Code is replaced by the following:

“**27.** Before ceasing to provide a client with professional services, a nurse shall:

(1) give the client reasonable notice;

(2) take necessary measures to ensure that such termination of services is not detrimental to the client.”.

14. This Code is amended by inserting the following after section 31.1:

“**31.2.** When a nurse provides professional services for a couple or a family, she or he shall preserve the professional secrecy of each member of the couple or family.”.

15. This Code is amended by adding the following after section 32:

“**32.1.** Before making an audio or video recording of an interview or activity or taking photographs of a client, a nurse shall obtain written authorization from the client or the client’s legal representative. This authorization must specify the intended use of the recording or photograph and the measures required for revoking the authorization.

32.2. When a nurse provides professional services to a group, she or he shall inform the members of the group of the possibility that aspects of a member’s or a third party’s private life may be disclosed.

In this context, the nurse shall give the group members instructions to enable them to respect the confidential nature of the information about other members’ or third parties’ private lives.”.

16. Section 33 of this Code is amended by replacing “under her or his authority or supervision or in her or his employ” with “under her or his authority, in her or his employ or who are practising under her or his supervision”.

17. Section 36 of this Code is amended:

(1) by replacing “refrain from holding or participating” with “shall not hold or participate”;

(2) by inserting, after “indiscreet conversations”, the words “,including on social networks,”.

18. Section 40 of this Code is amended by replacing “care and services” with “care, treatment or other professional services”.

19. Section 41 of this Code is amended by replacing “shall provide the client with all the information required for that purpose” with “shall:

(1) provide the client with all the information required for that purpose;

(2) ensure that the client’s consent remains free and informed for the duration of the period during which she or he provides care, treatment or other professional services;

(3) respect the client’s right to revoke his or her consent at any time.”.

20. Section 44 of this Code is amended by replacing subparagraphs 1 to 3 with:

“(1) perform the assessment required by the client’s state of health;

(2) intervene promptly when the client’s state of health so requires;

(3) ensure the clinical monitoring and follow-up required by the client’s state of health;

(4) take reasonable action to ensure continuity of care and treatment.”.

21. This Code is amended by inserting the following after section 44:

“**44.1.** A nurse who is authorized to issue prescriptions:

(1) shall not issue a prescription unless it is necessary for clinical purposes;

(2) when issuing a prescription, shall respect the client’s right to have it filled where and by whom the client wishes;

(3) shall, when prescribing an examination or laboratory analysis, ensure the follow-up required by the client's condition, unless she or he has ensured that another nurse, another professional or another authorized person can do so in her or his place.”

22. Section 45 of this Code is amended:

(1) by replacing, in the first sentence, “when administering medication” with “when administering or adjusting medication or other substances”;

(2) by inserting, in the second sentence, after “medication”, the words “or other substances”.

23. This Code is amended by adding the following after section 45:

“**45.1.** A nurse who uses assessment tools, in particular measurement tools, shall respect the standards of practice and scientific principles generally recognized in that field for their use, administration and interpretation.”

24. Section 48 of this Code is replaced by the following:

“**48.** A nurse shall not intimidate or threaten or engage in any such behaviour toward a person with whom she or he interacts in the practice of the profession that is liable to compromise the quality of care or the client's or public's trust in the profession.”

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

“**50.** A nurse shall cooperate and respond as soon as possible to any request received from the secretary of the Order, a syndic of the Order, an expert or other person assisting the syndic, the professional inspection committee or a member, inspector or an expert of the committee.”

26. This Code is amended by inserting the following after section 50:

“**50.1.** A nurse shall respect any commitment she or he has made to the board of directors, the executive committee or the secretary of the Order, a syndic or the professional inspection committee.”

27. Section 51 of this Code is replaced by the following:

“**51.** Subject to any law or regulation to the contrary, a nurse may not authorize, assist or encourage any person who is not entered on the roll of the Order to perform an activity reserved to nurses.

Moreover, a nurse may not authorize, assist or encourage any person who is not entered on the roll of the Order to use the title of nurse or to allow others to believe she or he is a nurse.”

28. The second paragraph of section 52 of this Code is amended as follows:

(1) by inserting, in subparagraph 1, after “experience”, the words “and specific expertise”;

(2) by replacing, in subparagraph 3, “difficulty and extent” with the word “complexity”.

29. Section 56 of this Code is replaced by the following:

“**56.** A nurse may require payment only for services rendered or products delivered, and shall inform her or his client in advance of the approximate and foreseeable cost of her or his professional services and inform the client promptly of any change in this respect.

After informing the client in advance, however, a nurse may charge reasonable cancellation fees for a missed appointment.”

30. This Code is amended by inserting the following after section 57:

“**57.1.** Before taking legal action, a nurse shall exhaust the other means at her or his disposal to obtain payment of her or his fees and other charges.”

31. Section 59 of this Code is amended by adding the following paragraph at the end:

“A nurse who practises her or his profession in a public body covered by the Act respecting Access to documents held by public bodies and the Protection of personal information shall abide by the rules relating to accessibility and correction of records set out in these Acts and facilitate their application.”

32. This Code is amended by inserting the following section, after subdivision 2 of division VII:

“**59.1.** A nurse who practises her or his profession in a sector other than the public sector referred to in section 59 shall abide by the rules relating to accessibility and correction of records set out in the Act respecting the Protection of personal information in the private sector (chapter P-39.1) and facilitate their application.”

33. Section 60 of this Code is replaced by the following:

“60. A request covered by sections 61, 64 or 67 shall be delivered to the nurse’s professional domicile during regular working hours.”

34. Section 61 of this Code is amended:

- (1) by replacing “20” with “30”;
- (2) by replacing “request” with “written request”.

35. Section 63 of this Code is replaced by the following:

“63. A nurse who temporarily refuses a client access to information contained in a record established in respect of the client because the disclosure of such information would be likely to cause serious harm to the client’s health shall notify the client accordingly in writing, with her or his grounds for refusing, and inform the client of his or her recourse.

The nurse shall determine when consultation of the record is possible and so inform the client.”

36. This Code is amended by inserting the following after section 63:

“63.1. A nurse who refuses to allow the client access to personal information concerning the client because its disclosure would be likely to reveal personal information about a third party or the existence of such information, and the disclosure would be likely to cause serious harm to the third party, unless the third party agrees to its communication, or in an emergency in which the life, health or safety of the person concerned is endangered, shall notify the client accordingly in writing, with her or his grounds for refusing, and inform the client of his or her recourse.”

37. Section 64 of this Code is amended:

- (1) by replacing “20” with “30”;
- (2) by replacing “request” with “written request”.

38. Section 65 of this Code is amended by adding the following paragraph at the end:

“A nurse who refuses a request pursuant to section 64 shall, if the client so requests in writing, inform him or her of the reasons for this refusal, enter them in the record and inform the client of his or her recourse.”

39. Section 66 of this Code is amended:

(1) by replacing “Upon written request of the client” by “With the client’s consent”;

(2) by inserting, after “communicated”, “within the six months preceding the correction”.

40. Section 67 of this Code is amended by replacing “request” with “written request”.

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

102299

Gouvernement du Québec

O.C. 837-2015, 23 September 2015

Professional Code
(chapter C-26)

**Specialist’s certificates of professional orders
— Diplomas issued by designated educational
institutions which give access to permits or
specialist’s certificates of professional orders
— Amendment**

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders

WHEREAS, under the first paragraph of section 184 of the Professional Code (chapter C-26), the Government may, by regulation, after obtaining the advice of the Office des professions du Québec in accordance with subparagraph 7 of the third paragraph of section 12 of the Code, and of the order concerned, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist’s certificate;

WHEREAS, under subparagraph 7 of the third paragraph of section 12 of the Code, the Office must, before advising the Government, consult the educational institutions and the order concerned, the Fédération des cégeps in the case of college-level diplomas, and the Minister of Education, Higher Education and Research;

WHEREAS the Office held the consultations;