

(2) if the agrologist carries on activities within a limited liability partnership:

- (a) the partnership agreement and amendments;
- (b) the declaration of registration of the partnership and any update;
- (c) an up-to-date register of the partners;
- (d) where applicable, an up-to-date register of the managers of the partnership; and
- (e) the names and home addresses of the principal officers of the partnership.

#### DIVISION V TRANSITIONAL AND FINAL

**14.** An agrologist carrying on professional activities within a joint-stock company constituted for that purpose before the date of coming into force of this Regulation must comply with the requirements set out in this Regulation at the latest within 1 year following that date.

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

102397

Gouvernement du Québec

### O.C. 1071-2015, 2 December 2015

Professional Code  
(chapter C-26)

#### Agrologists — Code of ethics of agrologists — Amendment

Regulation to amend the Code of ethics of agrologists

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 profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS the board of directors of the Ordre des agronomes du Québec made the Regulation to amend the Code of ethics of agrologists on 6 and 7 June 2014;

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 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 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 agrologists was published in Part 2 of the *Gazette officielle du Québec* of 26 November 2014 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 examined the Regulation on 8 September 2015 and then 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 agrologists, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

#### Regulation to amend the Code of ethics of agrologists

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

**1.** The Code of ethics of agrologists (chapter A-12, r. 6) is amended by replacing the heading of Division I by “GENERAL”.

**2.** Section 1 is replaced by the following:

“1. This Code sets out the duties to be discharged by every agrologist towards the public, clients and the profession.

The obligations of the agrologists under the Agrologists Act (chapter A-12), the Professional Code (chapter C-26) and the regulations made for their application are not changed or reduced by the fact that an agrologist practises the profession within a partnership or joint-stock company.

In that respect, the agrologist must in particular ensure that the obligations towards the partnership or joint-stock company of which the agrologist is the director or officer are not incompatible with the obligations towards the client.”.

**3.** The following is added after section 1:

“**1.1.** Agrologists must take reasonable measures to ensure that persons who collaborate with them in the practice of the profession and any partnership or joint-stock company within which they practise comply with, the Agrologists Act, the Professional Code and the regulations made for their application, including this Code.”.

**4.** The heading of Division II and the heading of Division III are amended by striking out “AND OBLIGATIONS”.

**5.** Section 13 is replaced by the following:

“**13.** Agrologists must avoid any false, misleading or incomplete representations, in particular as to their level of competence or the effectiveness of their services and, where applicable, the level of competence or the effectiveness of the services rendered under their supervision or by persons carrying on their activities within the same partnership or joint-stock company.”.

**6.** Section 19 is replaced by the following:

“**19.** Agrologists must commit their personal civil liability without reservation in the practice of their profession. They may not evade or attempt to evade the 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 or by requesting that any person renounce any recourse in case of professional negligence on their part.”.

**7.** Section 25 is replaced by the following:

“**25.** Agrologists must subordinate their personal interest to that of their clients and, where applicable, that of their employer or the partnership or joint-stock company within which they carry on professional activities or within which they have interests, and the interest of any person practising in that partnership or joint-stock company.”.

**8.** The following is inserted after section 29:

“**29.1.** As soon as the agrologist notices that a partner, a shareholder, a director, a director or an employee of a partnership or joint-stock company within which the agrologist carries on professional activities or within which the agrologist has interests is in a conflict of interest, the agrologist must take necessary measures to avoid the disclosure of information and documents protected by professional secrecy to that person.

The following factors must be taken into account in assessing the effectiveness of such measures:

- (1) the size of the partnership or joint-stock company;
- (2) the precautions taken to prevent access to the agrologist’s file by the person in the conflict of interest;
- (3) the instructions given to protect confidential information or documents relating to the conflict of interest;
- (4) the isolation of the person in the conflict of interest with respect to the agrologist.”.

**9.** Section 30 is replaced by the following:

“**30.** Agrologists may only share their fees with another agrologist or a partnership or joint-stock company within which they carry on professional activities, to the extent that such sharing corresponds to a sharing of services or responsibilities.”.

**10.** Section 31 is amended

- (1) by striking out “Subject to his client’s consent,”;
- (2) by adding the following paragraph:

“Despite the foregoing, the agrologist may accept customary tokens of appreciation or gifts of small value.”.

**11.** Section 35 is replaced by the following:

“**35.** Agrologists 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, agrologists must inform the client of the use and possible implications of the transmission of information.”.

**12.** Section 38 is revoked.

**13.** Section 39 is amended by replacing “pursuant to section 38” by “where so authorized by law”.

**14.** Section 48 is revoked.

**15.** Section 49 is replaced by the following:

“**49.** Outstanding accounts of agrologists bear interest at the reasonable rate agreed in advance with their client.”

**16.** Section 51 is revoked.

**17.** Section 52 is replaced by the following:

“**52.** Agrologists must refrain from selling or otherwise transferring their accounts of professional fees, except to another agrologist or a partnership or joint-stock company within which the agrologist is authorized to carry on professional activities pursuant to the Regulation respecting the practice of agrology within a partnership or a joint-stock company, approved by Order in Council 1070-2015 dated 2 December 2015.”

**18.** Section 54 is amended by adding the following paragraph:

“An agrologist who practises within a partnership or joint-stock company must ensure that professional fees related to professional services rendered by the agrologist are listed separately on any invoice or statement of fees given by the partnership or joint-stock company to the client.”

**19.** The heading of Division IV is amended by striking out “AND OBLIGATIONS”.

**20.** The heading of subdivision 1 of Division IV is replaced by the following:

“Honour and dignity of the profession”.

**21.** Section 55 is replaced by the following:

“**55.** An agrologist must refrain from

(1) urging a person repeatedly or insistently, either personally or through another person, to retain the agrologist’s professional services;

(2) communicating with the complainant without the written permission of the syndic or assistant syndic, where the agrologist is informed of an inquiry into his or her professional conduct or competence or where the agrologist has been served with a disciplinary complaint lodged against him or her;

(3) not informing the syndic or assistant syndic, within a reasonable time, of a derogatory act committed by a colleague to his or her knowledge or where the agrologist has reasonable grounds for believing that a colleague is incompetent or contravenes the Agrologists Act, the Professional Code or a regulation made for their application;

(4) not informing the authorities of the Order of any cases of unauthorized use of a title or unlawful practice of which the agrologist is aware;

(5) inducing someone to commit, or collaborating in the commission of, a violation of the Agrologists Act, the Professional Code or a regulation made for their application;

(6) misappropriating or employing for personal purposes any money, security or property entrusted to the agrologist;

(7) claiming fees for professional acts not performed or erroneously described;

(8) not ensuring the appropriate supervision of a person who carries on an activity reserved for agrologists under subparagraph *c* of the second paragraph of section 28 of the Agrologists Act;

(9) carrying on professional activities within a partnership or joint-stock company that holds itself out as or implies that it is a partnership or joint-stock company within the meaning of Chapter VI.3 of the Professional Code, where the requirements of the Code or the Regulation respecting the practice of agrology within a partnership or a joint-stock company, approved by Order in Council 1070-2015 dated 2 December 2015, are not met;

(10) entering into an agreement or permitting an agreement to be entered into, within a partnership or joint-stock company, in which an agrologist is a partner or a shareholder, including a unanimous shareholders’ agreement, if the agreement operates to threaten the independence, objectivity and integrity required to practise the profession or to comply with the Agrologists Act, the Professional Code and the regulations made for their application;

(11) carrying on activities within a partnership or joint-stock company when the agrologist is no longer authorized to do so.”

**22.** The following is inserted after section 63:

“**DIVISION IV.I**  
TITLE OF AGROLOGIST AND SIGNATURE”.

**23.** Section 65 is replaced by the following:

“**65.** Agrologists must affix their signature and indicate clearly their name and agrologist’s title and, where applicable, the name of the partnership or joint-stock company within which they carry on professional activities on any opinion, study, research, recommendation or other document produced in the practice of their profession or under their supervision, in particular processes, methods, standards, plans, technical descriptions, analyses, publications, specifications and supervisory instructions.”.

**24.** The following is inserted after section 65:

“**65.1.** The signature of a document referred to in section 65 may be affixed using a technological means that ensures the document’s integrity within the meaning of the Act to establish a legal framework for information technology (chapter C-1.1).”.

**25.** Section 66 is amended

- (1) by inserting “, initial” after “sign”;
- (2) by striking out “advice,”.

**26.** Section 73 is amended by adding “and, where applicable, the name of the partnership or joint-stock company within which the agrologist carries on professional activities” after “agrologist”.

**27.** Section 76 is amended by replacing “All agrologists who are partners in the practice of their profession” by “Agrologists who carry on their professional activities within the same partnership or joint-stock company”.

**28.** Section 77 is replaced by the following:

“**77.** An agrologist may not carry on professional activities under a name or designation which is misleading or contrary to the honour or dignity of the profession or is a number name.”.

**29.** The Code is amended by striking out the following:

“**DIVISION VI**  
COAT OF ARMS AND GRAPHIC SYMBOL  
OF THE ORDER.”.

**30.** Section 79 is revoked.

**31.** Section 80 is replaced by the following:

“**80.** Agrologists or the partnership or joint-stock company within which they carry on professional activities who reproduce the graphic symbol of the Order in their advertisement or documents must ensure that the symbol conforms to the original and is not represented in such a manner as to imply that they emanate from the Order or are approved by the Order.”.

**32.** The following is inserted after section 80:

“**80.1.** An agrologist must ensure that every partnership or joint-stock company within which the agrologist carries on professional activities does not use the graphic symbol of the Order in connection with its advertising or name unless all the services provided by such partnership or joint-stock company are professional services rendered by agrologists.

Despite the first paragraph, a partnership or joint-stock company that provides both professional services of agrologists and other professional services may use the graphic symbol of the Order in connection with its advertising or its name provided that the graphic symbol of any other professional order or body concerned by those services is also used.”.

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

102398

Gouvernement du Québec

**O.C. 1072-2015, 2 December 2015**

Professional Code  
(chapter C-26)

**Nursing assistants**

— **Professional activities that may be engaged in by persons other than nursing assistants**

Regulation respecting the professional activities that may be engaged in by persons other than nursing assistants

WHEREAS, under paragraph *h* of section 94 of the Professional Code (chapter C-26), the board of directors 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 and the terms and conditions on which such persons may engage in such activities;