

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

102449

Gouvernement du Québec

**O.C. 1162-2015, 16 December 2015**

Professional Code  
(chapter C-26)

**Podiatrists**  
— **Code of ethics of podiatrists**

Code of ethics of podiatrists

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 podiatres du Québec made, on 29 November 2014, the Code of ethics of podiatrists;

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 Code of ethics of podiatrists was published in Part 2 of the *Gazette officielle du Québec* of 11 March 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 8 July 2015, the Office has examined the Regulation 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 Code of ethics of podiatrists, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

**Code of ethics of podiatrists**

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

**DIVISION I**  
**GENERAL DUTIES OF PODIATRISTS**

**1.** This Code determines, pursuant to section 87 of the Professional Code (chapter C-26), the duties and obligations that must be discharged by every member of the Ordre des podiatres du Québec.

**2.** Podiatrists must take reasonable measures to ensure that persons who collaborate with them and any partnership or joint-stock company in which they practise their profession comply with the Podiatry Act (chapter P-12), the Professional Code and their regulations.

**3.** The duties and obligations under the Podiatry Act, the Professional Code and their regulations are not modified or reduced in any manner owing to the fact that a podiatrist carries on professional activities within a partnership or joint-stock company.

**4.** Podiatrists must ensure that their obligations towards the partnership or company of which they are directors or officers are not incompatible with their obligations towards their patients.

**DIVISION II**  
**DUTIES AND OBLIGATIONS TOWARDS**  
**THE PUBLIC**

**5.** Podiatrists must promote the improvement of the quality and availability of professional services in the field in which they practise.

**6.** In the practice of the profession, podiatrists must

(1) consider all the foreseeable consequences that their opinions, advice, research and work may have on society;

(2) promote measures of education and information in the field in which they practise and perform the necessary acts to ensure such education and information;

(3) contribute to the development of their profession by collaborating in research work, by sharing their knowledge and experience with the members of the profession and students and by contributing to the development and presentation of continuing education activities;

(4) keep their theoretical and clinical knowledge up to date in accordance with the evolution of podiatry, in particular by participating in continuing education activities.

**7.** Podiatrists must act with moderation and dignity and seek to protect the health and well-being of their patients.

### **DIVISION III DUTIES AND OBLIGATIONS TOWARDS THE PATIENT**

#### *§1. General*

**8.** Before accepting to provide professional services, podiatrists must take into account the limits of their proficiency, knowledge and the means at their disposal and ensure that their services are justified and opportune.

**9.** Podiatrists must practise the profession in accordance with the recognized standards of practice and the present state of knowledge in podiatry. For that purpose, they must in particular

(1) use the appropriate scientific methods and, where necessary, ask for the advice of another member of the Order;

(2) not resort to insufficiently tested examinations, investigations or treatments, unless they are part of a research project approved beforehand by an ethics committee, complying with the standards in force and carried out in a recognized scientific milieu;

(3) refrain from performing a professional act which is not suitable or proportionate to the need of their patient.

**10.** Podiatrists must, at all times, respect a patient's right to consult with another member of the Order or another qualified person. They must collaborate with the person so consulted.

**11.** Podiatrists must refrain from practising under conditions or in a state likely to impair the quality of their services.

**12.** Podiatrists must attempt to establish a relationship of mutual trust between themselves and their patients and refrain from practising the profession in an impersonal manner.

**13.** Podiatrists must refrain from interfering in the personal affairs of their patients on subjects that are not relevant to podiatry.

**14.** The conduct of podiatrists towards their patients and every person with whom they enter into a professional relationship, whether physical, mental or emotional, must be beyond reproach.

#### *§2. Integrity*

**15.** Podiatrists must carry out their professional obligations with integrity.

**16.** Podiatrists must avoid any misrepresentation with respect to their level of competence or to the effectiveness of their services or of those provided by the members of their profession. If the interest of the patient so requires, podiatrists must, with the patient's authorization, consult another member of the Order or another qualified person, or refer the patient to one of those persons.

Likewise, they must avoid any misrepresentation with respect to the competence or effectiveness of the services generally provided by the persons with whom they carry on professional activities within a partnership or joint-stock company.

**17.** Before giving any opinion or advice, podiatrists must seek full knowledge of the facts. They must refrain from expressing an opinion or advice that is contradictory or incomplete.

**18.** Podiatrists must reveal to their patient, in a simple, complete and objective manner, the nature and scope of a problem which, in their opinion, results from the patient's condition.

They must thereafter inform the patient of the therapeutic procedures, any recommended treatment plan and the related costs. They must obtain the patient's explicit agreement in that regard.

**19.** Podiatrists must inform the patient as soon as possible of any complication, incident or accident occurring while they provide a professional service to the patient.

In addition, they must make an entry of the error in the patient's record and take the appropriate measures to limit any consequences on the health of the patient.

### §3. *Availability and diligence*

**20.** Podiatrists must be available to and diligent towards patients.

**21.** Except for just and reasonable cause, no podiatrist may cease to provide professional services to patient. The following causes, among others, are considered just and reasonable:

- (1) absence or loss of the patient's trust;
- (2) lack of cooperation on the part of the patient and, in particular, refusal by the patient to submit to the treatment prescribed by the podiatrist or the patient's neglect to follow the podiatrist's opinion or advice;
- (3) the fact that the podiatrist is in a conflict of interest or in a context such that the podiatrist's professional independence could be called into question;
- (4) incitement by the patient to perform illegal, unjust or fraudulent acts.

**22.** Before ceasing to provide professional services, podiatrists must so inform the patient and ensure that no prejudice is caused to the patient as a result.

### §4. *Liability*

**23.** Podiatrists must assume full civil liability. They must not evade or attempt to evade professional liability or request that a patient or person renounce any recourse in a case of professional negligence on their part. Similarly, they may not invoke the liability of the partnership or joint-stock company within which they carry on professional activities or that of another person also carrying on activities within the partnership or joint-stock company as a ground for excluding or limiting their liability.

### §5. *Independence and impartiality*

**24.** Podiatrists must subordinate their personal interest and the interest of the partnership or joint-stock company within which they carry on professional activities or in which they have interests to that of their patient.

**25.** Podiatrists must be objective when persons other than their patients ask them for information.

**26.** A podiatrist must provide to the patient who so requests, or to a person indicated by the patient, all the information concerning a benefit that the podiatrist could obtain.

**27.** Podiatrists may not enter into any verbal or written agreement having the effect of compromising the independence, impartiality, objectivity and integrity required to carry on their professional activities. No agreement may, in particular,

- (1) exclude certain types or brands of podiatric orthoses from those they are authorized to manufacture, transform, alter or sell;
- (2) limit their freedom to buy and sell podiatric orthoses;
- (3) define or restrict the professional services they offer to their patients.

**28.** Podiatrists must safeguard their professional independence and ignore any intervention by a third person that could influence the performance of their professional obligations to the detriment of their patient.

**29.** Podiatrists must respect the right of patients to have their prescription filled at the place and by the professional of their choice.

**30.** Podiatrists may not practise podiatry if they are in a situation of conflict of interest. In particular, podiatrists are in a conflict of interest if they

- (1) share their income, in any form whatsoever, with a person, a trust or an enterprise, except for
  - (a) a podiatrist who is a member of the Ordre des podiatres du Québec, insofar as that sharing corresponds to a distribution of services and responsibilities;
  - (b) a person or a trust referred to in the Regulation respecting the practice of the profession of podiatrist within a partnership or joint-stock company approved by Order in Council 1161-2015 dated 16 December 2015;
  - (c) a partnership or joint-stock company within which the podiatrist carries on professional activities;
- (2) grant any commission, rebate, advantage or other consideration of a similar nature relating to the practice of podiatry;
- (3) accept, as podiatrists or by using the title of podiatrist, any commission, rebate, advantage or other consideration of a similar nature, except for customary tokens of appreciation and gifts of small value;

Despite the first paragraph of paragraph 3, podiatrists are not in a situation of conflict of interest if they accept a volume discount from a supplier for one of the following reasons:

(a) for prompt regular payment, if the discount appears on the invoice and is in keeping with marketplace rules in similar matters; or

(b) due to the volume of products purchased other than medications, if the discount appears on the invoice or the statement of account and is in keeping with marketplace rules in similar matters;

(4) lease or use the premises, equipment or other resources of a podiatric orthosis laboratory or a manufacturer of medications, orthopedic shoes, prostheses or other products related to the practice of podiatry;

(5) practice podiatry jointly, in a partnership or for a person or within a joint-stock company, unless the partnership, person or joint-stock company is:

(a) a podiatrist;

(b) a government, governmental or municipal body, an educational institution or an institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5);

(c) an enterprise retaining their services for the sole purpose of providing podiatry advice or services to its employees;

(d) a partnership or joint-stock company referred to in the Regulation respecting the practice of the profession of podiatrist within a partnership or a joint-stock company approved by Order in Council 1161-2015 dated 16 December 2015.

**31.** Podiatrists must take the necessary measures to ensure that information and documents protected by professional secrecy are not disclosed to a partner, shareholder, director, manager, officer or employee of a partnership or joint-stock company within which they carry on professional activities or in which they have an interest, as soon as they become aware that the partner, shareholder, director, manager, officer or employee has a conflict of interest.

The following factors must be considered in assessing the effectiveness of such measures:

(1) size of the partnership or company;

(2) precautions taken to prevent access to the podiatrist's record by the person having a conflict of interest;

(3) instructions given to protect confidential information or documents related to the conflict of interest; and

(4) isolation, from the podiatrist, of the person having a conflict of interest.

#### **§6. Professional secrecy**

**32.** Podiatrists must preserve the secrecy of all confidential information obtained in the practice of their profession.

**33.** Podiatrists may be released from their obligation of professional secrecy only with the written authorization of their patient or where so ordered or expressly authorized by law.

A podiatrist may also communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the podiatrist has 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. However, the podiatrist may only communicate the information to the person or persons exposed to the danger or their representative, and to the persons who can come to that person's aid. The podiatrist may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

**34.** Podiatrists must avoid indiscreet conversations concerning a patient and the services rendered to the patient.

**35.** Podiatrists may not make use of confidential information which may be prejudicial to a patient or with a view to obtaining a direct or indirect benefit for themselves or for another person.

**36.** Podiatrists must ensure that any person who cooperates with them or with whom they carry on professional activities does not communicate confidential information to a third person.

**37.** The communication by a podiatrist of confidential information to ensure the protection of persons, pursuant to the second paragraph of section 33, must

(1) be made within a reasonable time to achieve the purpose intended by the communication; and

(2) be noted in the patient's record, along with the name and contact information of any person to whom the information was communicated, the information concerned, the reasons for the decision to communicate the information and the method of communication used.

*§7. Accessibility and correction of records and release of documents*

**38.** Podiatrists must respond promptly, at the latest within 10 days of its receipt, to any request made by patients whose purpose is to consult documents or to obtain a copy of the documents that concern them in any record made in their respect.

The foregoing also applies to any written request made by a patient, for the purpose of taking back a document entrusted to the podiatrist by the patient.

**39.** Podiatrists may charge to the patient reasonable fees not exceeding the cost for reproducing or transcribing documents or the cost for transmitting a copy.

Podiatrists who intend to charge such fees must, before proceeding with the copying, transcribing or transmitting of the information, inform the patient of the approximate amount to be paid.

**40.** Podiatrists must, at the written request of a patient and at the latest within 10 days of the date of such request, provide anyone designated by the patient with the relevant information in the record that they hold or maintain in the patient's respect.

**41.** A podiatrist must respond promptly, at the latest within 10 days of its receipt, to any request made by a patient to have information that is inaccurate, incomplete, ambiguous, outdated or unjustified corrected or deleted in any document concerning the patient. The podiatrist must also respect the patient's right to make written comments in the record.

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

**42.** Podiatrists must forward a copy, free of charge for the patient, 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 the podiatrists received the information that was the subject of the correction, deletion or comments, and to every person to whom the information was communicated.

**43.** A podiatrist who denies a patient access to information contained in a record established in the patient's respect or who refuses to grant a request to correct or delete information must provide the patient with written justification explaining the refusal, enter the written justification in the record and inform the patient of his or her recourses.

*§8. Determination and payment of fees*

**44.** Podiatrists must charge fair and reasonable fees.

Fees are fair and reasonable if they are justified by the circumstances and are in proportion to the services rendered. The podiatrist must, in particular, take into account the following factors when setting the fees:

(1) the time spent carrying out the professional service;

(2) the difficulty and magnitude of the service;

(3) the performance of unusual services or services requiring exceptional competence or speed;

(4) where applicable, the cost to the podiatrist, of products or material necessary for the carrying out of his or her professional services.

**45.** Podiatrists may not demand the payment of fees paid for by a third person unless they are authorized by law to enter into an agreement with the patient to that effect.

**46.** No podiatrist may charge fees for a professional service provided but not required.

Likewise, no podiatrist may charge fees for professional services not provided or fees which do not correspond to the services actually rendered.

**47.** Podiatrists must provide their patients with all the explanations necessary for the patient to understand their statement of fees and the terms of payment and, on request, a detailed statement of the fees and disbursements necessary for the performance of their professional services.

**48.** Podiatrists may not require advance payment of their professional fees.

**49.** Podiatrists may charge interest on their accounts only after duly advising their patient thereof. The rate of the interest charged must be reasonable.

**50.** Before taking legal action, podiatrists must exhaust all the other means available to them for obtaining payment of their fees.

**51.** Podiatrists who quit the profession must refrain from selling their accounts, except to another member of the Order.

**52.** When podiatrists entrust the collection of their fees to another person, they must make sure that the latter will act with tact and moderation and respect the confidentiality of the information contained in the patient's record.

**53.** Where a podiatrist carries on professional activities within a joint-stock company, the income resulting from the professional services rendered within and on behalf of the partnership or company belongs to the company, unless there is a written agreement to the contrary.

The determination, billing and payment of fees are subject to the conditions set out in section 44 and podiatrists remain personally responsible for seeing to their application.

#### **DIVISION IV DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION**

##### *§1. Incompatible responsibilities and duties*

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

##### *§2. Derogatory acts*

**55.** In addition to the acts referred to in sections 57, 58, 59.1 and 59.1.1 of the Professional Code, the following acts are derogatory to the dignity of the profession:

(1) unduly urging someone to use their professional services;

(2) delivering, issuing or providing a false report, a false certificate or a false prescription to anyone;

(3) issuing to anyone, for any reason whatever, a prescription, certificate or attestation or any other document containing false or unchecked information;

(4) guaranteeing the effectiveness of their services;

(5) using or administering medication whose period of usage as indicated by the manufacturer has expired;

(6) lending their name to a person for the purpose of permitting the person to recommend or to promote the sale, distribution or utilization of medications or instruments used in the practice of podiatry, or with a view to permitting that person to recommend or promote a treatment;

(7) unduly seeking or making a profit on a treatment plan or on the sale of podiatric orthoses;

(8) altering or removing notes in a patient's record which are already entered, or replacing any part thereof without justification;

(9) allowing any person who assists them or is under their supervision in the practice of the profession to be insufficiently qualified or competent to perform the tasks assigned to the person;

(10) failing to inform the Order as soon as possible when a person performs professional acts reserved for podiatrists;

(11) knowingly deriving a profit from the illegal practice of podiatry by another person;

(12) resorting to legal proceedings against a patient during the 45 days following receipt of a copy of an application for the conciliation of accounts;

(13) communicating with a person who requested that an inquiry be held, without prior written permission of the syndic or the assistant syndic, where podiatrists are informed that they are the object of an inquiry into their professional conduct or competence or where a podiatrist he has been served with a complaint against him or her;

(14) resorting to legal proceedings against another member of the Order in connection with a matter related to the practice of the profession without having first required conciliation from the syndic;

(15) charging, offering, accepting or agreeing to accept a sum of money or advantage for the purpose of having a procedure or decision of the Order adopted or rejected;

(16) providing false information to the Order;

(17) not informing the Order that they have reason to believe that a podiatrist is incompetent or does not respect professional ethics;

(18) refusing to provide their professional services to a patient for the sole reason that the patient has had or intends to have his or her prescription filled by a third person;

(19) practising podiatry without identifying themselves by their name and title;

(20) carrying on professional activities within, or having an interest in, a partnership or company whose name compromises the dignity of the profession of podiatrist, or carrying on professional activities with a person who, to the podiatrist's knowledge, performs acts that are derogatory to the dignity of the profession of podiatrist;

(21) carrying on professional activities within, or having an interest in, a partnership or company, where a partner, shareholder, director or officer of the partnership or company has been struck off the roll for more than 3 months or has had his or her professional permit revoked, unless the partner, shareholder, director or officer

(a) ceases to hold a position of director, officer or representative within the partnership or company within 15 days of the date on which the mandatory striking off or revocation of permit has become effective;

(b) ceases, if applicable, to attend any shareholder meetings and to exercise his or her right to vote within 15 days of the date on which the mandatory striking off or revocation of permit has become effective; or

(c) disposes of his or her voting shares or units or turns them over to a trustee within 15 days of the date on which the mandatory striking off or revocation of permit has become effective; and

(22) intimidating, hindering or denigrating in any way whatsoever a person who has requested an inquiry or any other person identified as a witness likely to be summoned before a disciplinary body.

### §3. *Relations with the Order and members*

**56.** Podiatrists whose participation on any committee of the Order is requested by the Order must accept that duty unless they have reasonable reasons for refusing it.

**57.** Podiatrists must reply within the allotted time to all requests from the secretary of the Order, the office of the syndic and the professional inspection committee and make themselves available for any meeting deemed relevant.

**58.** Podiatrists must not abuse the good faith of another member of the Order or be guilty of breach of trust or disloyal practices towards him or her. They must not, in particular, take credit for the work of another member of the Order.

**59.** Podiatrists may not intimidate, hinder or denigrate in any way whatsoever a representative of the Order acting in the performance of the duties conferred upon the representative by the Professional Code, the Podiatry Act or the regulations thereunder.

**60.** A podiatrist consulted by another member of the Order or another professional must promptly provide them with the results of the consultation and the recommendations deemed appropriate.

### DIVISION V ADVERTISING AND GRAPHIC SYMBOL

**61.** A podiatrist's advertising must convey only information that will help the public to make an enlightened choice and that will facilitate the public's access to useful or necessary professional services.

The information must be such that it informs persons having no particular knowledge of podiatry.

**62.** Podiatrists may not, by whatever means, advertise or make a representation to the public or to a person having recourse to their services or allow such to be made in their name, about them or for its benefit, that is false, misleading or incomplete, particularly as to their level of competence or the scope or effectiveness of their services, or favouring a medication, products, or method of investigation or treatment.

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

**64.** A podiatrist who addresses the public must communicate factual, exact and verifiable information. The information must not contain any comparative or superlative statement belittling or disparaging a service or product dispensed by another podiatrist or another professional.

**65.** Podiatrists must, in their advertising or any other vehicle used to offer professional services, clearly indicate their name and their podiatrist title. They may also mention the professional services they offer.

**66.** Podiatrists may not, in their advertising, in social media or in any public intervention, use or allow the use of an unsuitable or excessive expression of support or gratitude concerning them or their professional services.

**67.** Every podiatrist who practises within a partnership or joint-stock company of podiatrists is responsible for the content of every advertisement made on their behalf or on behalf of the partnership or joint-stock company, unless the name of the podiatrist who is responsible for the content of the advertisement is clearly indicated in the advertisement or unless one of the podiatrists 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.

**68.** A podiatrist must avoid, in advertising, all methods and attitudes likely to give a profit-seeking or commercialistic character to the profession.

**69.** Podiatrists who include a price in their advertising must also indicate the following information:

- (1) the price of the service contemplated and, if any, the validity period;
- (2) any restrictions that apply;
- (3) any additional services or fees that might be charged and are not already included in the fee or price;
- (4) additional fees associated with the terms of payment, if any.

A podiatrist may agree with a patient to charge a price below that published or circulated.

**70.** Podiatrists must retain a complete copy of any advertising for a period of 5 years following the date on which it was last published or circulated. Upon request, that copy must be submitted to the syndic.

**71.** A podiatrist who uses the graphic symbol of the Order for advertising purposes must ensure

- (1) that the symbol complies with the original held by the secretary of the Order;
- (2) that such advertising mentions that the podiatrist is a “member of the Ordre des podiatres du Québec”; and
- (3) that such advertising is not interpreted as advertising for the Order, and that it does not bind the Order in any way.

## DIVISION IV FINAL

**72.** This Regulation replaces the Code of ethics of podiatrists (chapter P-12, r. 5) and the Regulation respecting advertising by podiatrists (chapter P-12, r. 12).

**73.** 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. 1163-2015, 16 December 2015

An Act respecting the Ministère des Relations internationales (chapter M-25.1.1)

#### Ministère des Relations internationales — Terms and conditions governing the signing of certain deeds, documents or writings — Amendment

RESPECTING amendments to the terms and conditions governing the signing of certain deeds, documents or writings of the Ministère des Relations internationales

WHEREAS, under section 7 of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1), no deed, document or writing binds the Minister or may be attributed to him unless it is signed by him, by the Deputy Minister, by a member of the staff of the department or by an employee of the Government, and in these last two cases, only so far as determined by the Government;

WHEREAS the Government decreed the terms and conditions governing the signing of certain deeds, documents and writings of the Ministère des Relations internationales (chapter M-25.1.1, r. 1);

WHEREAS it is necessary to amend once again these terms and conditions to address the new administrative realities of the department;

IT IS ORDERED, therefore, on the recommendation of the Minister of International Relations and La Francophonie: