

Draft Regulation

Professional Code
(chapter C-26)

Nurses

— Code of ethics
— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation amending the Code of Ethics of Nurses, made by the board of directors of the Ordre des infirmières et infirmiers du Québec, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

According to the Ordre des infirmières et infirmiers du Québec, the draft Regulation is an update of the Code of ethics of nurses (chapter I-8, r. 9). The amendments made further to the update concern in particular the addition of provisions referring to the protection of professional secrecy, the issue of a false certificate, the use of evaluation tools, the withdrawal of professional services, professional independence and conflicts of interest.

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

Further information may be obtained by contacting Hélène d'Anjou, Direction des services juridiques, Ordre des infirmières et infirmiers du Québec, 4200, rue Molson, Montréal (Québec) H1Y 4V4; telephone: 514 935-2501 or 1 800 3636048; fax: 514 935-3147.

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^e 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 made the Regulation and to interested persons, departments and bodies.

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

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 for the dignity, freedom and integrity of the client to whom she or he provides care, treatment or other professional services.”.

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 inserting “or the inspection” after “the holding of the inquiry”;

3. 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.”

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 the care, treatment or other professional services. 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 incite the group members 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” with “shall not”;
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 consent remains free and informed for the duration of the period during which she or he provides care or 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.”.

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 amended:

1. by adding, after “a syndic of the Order, “the words” an expert or other person assisting the syndic”;
2. by replacing “an investigator, inspector or member of the professional inspection committee” with “the professional inspection committee or a member, an 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 any person who is not entered on the roll of the Order to perform an activity reserved to nurses, to use the title of nurse or to allow others to believe she or he is a nurse, nor assist or encourage any person to do so.”.

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 amended:

1. by inserting, after “approximate”, the words “and foreseeable”;
2. by adding, after “her or his professional services”, the words “and inform the client promptly of any change in this respect”;

3. by adding the following paragraph at the end:

“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 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.”.

32. Section 61 of this Code is amended:

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

33. Section 63 of this Code is amended:

1. by replacing “refuse” with “temporarily refuse”;
2. by deleting, after “to the client” the words “or a third party”.

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

“**63.1.** A nurse shall refuse to allow the client access to personal information concerning the client where 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.”.

35. Section 64 of this Code is amended:

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

36. Section 65 is amended by the following paragraph at the end:

“A nurse who refuses to grant 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 recourses.”.

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

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

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