

Regulation to amend the Regulation respecting certain professional activities that may be engaged in by an athletic therapist

Professional Code
(chapter C-26, s. 94, par. h)

1. The Regulation respecting certain professional activities that may be engaged in by an athletic therapist (chapter M-9, r. 11.1) is amended by replacing, in section 6, “2017” by “2020”.

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

102533

Draft Regulation

Professional Code
(chapter C-26)

Optometrists — 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 Optometrists, made by the board of directors of the Ordre des optométristes du Québec and appearing below, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation imposes on the members of the Ordre des optométristes du Québec, general and special duties towards the public, their clients and their profession.

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

Further information may be obtained by contacting Marco Laverdière, secretary of the Ordre des optométristes du Québec, 1265, rue Berri, bureau 700, Montréal (Québec) H2L 4X4; telephone: 514 499-0524 or 1 888 499-0524; email: m.laverdiere@ooq.org

Any person wishing to comment 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 Code and to interested persons, departments and bodies.

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

Code of Ethics of Optometrists

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

CHAPTER I PRELIMINARY PROVISIONS

1. This Code determines, pursuant to section 87 of the Professional Code (chapter C-26), the duties and obligations of every member of the Ordre des optométristes du Québec.

2. For the purposes of this Regulation, unless the context indicates a different meaning:

(1) “institution” means a health and social services institution in 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);

(2) “organization” means a structured entity including a group of persons whose activities are related to the practice of optometry;

(3) “ophthalmic product” means an ophthalmic lens, glass frames, medicine or any other product that an optometrist may recommend, prescribe, administer or sell to a patient as part of the practice of optometry;

(4) “optometric service” means a service provided by an optometrist as part of the as part of the practice of optometry, including the sale of as part of the practice of optometry, including when this involves selling an ophthalmic product to a patient;

(5) “professional partnership” means a general or undeclared partnership structured in accordance with the same requirements as those that are applicable to a limited liability partnership contemplated by the Regulation respecting the Profession of Optometry within a Partnership or a Joint-Stock Company (chapter O-7, r. 8) as well as any partnership or company constituted in accordance with this Regulation.

3. An optometrist may not exempt himself, even indirectly, from a duty or obligation contained in this Code.

4. An optometrist must ensure that persons who collaborate with him in the practice of the profession, as well as any professional partnership within which he practices, comply with the Optometry Act (chapter O-7), the Professional Code (chapter C-26), this Code and the regulations thereunder.

The duties and obligations under these laws and regulations are in no way reduced by the fact that an optometrist performs his professional activities in an organization.

CHAPTER II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC, PATIENTS AND THE PROFESSION

DIVISION I GENERAL DUTIES

5. An optometrist must collaborate with other optometrists to promote improvements in the quality and the availability of optometric services.

6. An optometrist must refrain from taking part in a concerted action of a nature that would endanger the health or safety of a clientele or population.

7. An optometrist must be judicious in his use of resources dedicated to health care.

8. An optometrist's paramount duty is to protect and promote the health and well-being of the persons he attends to, both individually and collectively. He must promote measures of education and information in optometry specifically for that purpose.

DIVISION II QUALITY OF THE PROFESSIONAL RELATIONSHIP

9. An optometrist must practice optometry in a manner which respects the dignity as well as the fundamental rights and freedoms of the individual. Thus, he may not in particular refuse to provide an optometric service to a patient on grounds of race, colour, sex, pregnancy, sexual orientation, civil status, age, religion, political convictions, language, ethnic or national origin, social condition or handicap.

10. The physical, mental and emotional behaviour of an optometrist toward all patients and persons with whom he comes into contact in the practice of his profession must be beyond reproach.

11. An optometrist must seek to establish and maintain with his patient a relationship of mutual trust and refrain from practicing optometry in an impersonal manner.

12. An optometrist must take the means necessary to enable his patients to identify him by his name and to position his optometrist title so that it is clearly identifiable in the places where he practices. Likewise, if his right to practice professional activities is subject to a limitation, he must take measures to inform his patients.

13. An optometrist must refrain from taking advantage of the professional relationship established with his patient.

More specifically, an optometrist must, for the duration of the professional relationship established with a patient, refrain from having sexual relations with him or making improper gestures or remarks of a sexual nature.

The duration of the professional relationship is established by taking into account, in particular, the nature and duration of the optometric services rendered, the vulnerability of the person and the likelihood of having to provide optometric services to that person again.

14. An optometrist must not take advantage or attempt to take advantage of the state of dependence or vulnerability of a person to whom optometric services are offered or provided.

He must also not conspire with a third party in any manner to provide optometric services to a person in a state of dependence or vulnerability.

15. An optometrist must not interfere in the personal affairs of his patient in matters unrelated to the field of health.

16. In his practice, an optometrist must not exclude or attempt to exclude his personal liability towards his patient or the professional partnership within which he practices optometry.

DIVISION III FREEDOM OF CHOICE

17. An optometrist must acknowledge the patient's right to choose or consult another optometrist or health professional. To that end, he must in particular refuse to subscribe to any agreement that operates to deprive this right and he must collaborate with the professional chosen by the patient for the purposes of the services to be rendered to him.

18. An optometrist must respect the patient's right to have prescriptions filled and obtain ophthalmic products at the place and by the health professional of the patient's choice.

Unless an ophthalmic product cannot be prescribed as a result of the services rendered, an optometrist must, at the end of a consultation, write a prescription and inform the patient that it may be issued to him on site or, immediately, at any other time. To that end, an optometrist must also take the necessary means to ensure that, upon request, the prescription is given to the patient or transmitted to a health professional designated by the patient, without delay.

An optometrist may not charge fees in addition to the consultation fees for giving or transmitting a prescription. However, in cases where a first copy of the prescription has already been given to the patient or transmitted to a person designated by him, reasonable fees may be charged in accordance with the same terms and conditions as those prescribed in section 60 of this Code for giving or transmitting any additional copy.

DIVISION IV AVAILABILITY AND DILIGENCE

19. In the practice of his profession, an optometrist must be reasonably available and diligent.

20. An optometrist who provides optometric services to a patient must provide the follow-up potentially required by his interventions, unless he has ensured that another optometrist, health professional or institution will provide the follow-up within the required period of time. Where applicable, he must collaborate with any other person providing the follow-up.

21. An optometrist who is absent from the place where he practices regularly, who practices there irregularly or discontinuously or who ceases to practice there must take the measures necessary to ensure that his patients are informed of the manner in which they may reach the optometrist and, where necessary, are directed to another optometrist, another health professional or an institution that can provide them with the services required by their condition.

22. Unless he has sound and reasonable grounds for doing so, an optometrist may not refuse to provide an optometric service to a patient, cease such services or reduce their accessibility.

Sound and reasonable grounds include in particular:

- (1) the distrust or the loss of confidence of the patient;
- (2) being in a conflict of interest or any situation where his professional independence may be called into question;
- (3) inducement by the patient to perform acts that an optometrist knows to be illegal, unjust or fraudulent;
- (4) abusive behaviour by the patient, which may manifest itself as harassment, threats, aggressive acts or acts of a sexual nature.

A patient's request that a prescription be given to the patient or transmitted to a person of the patient's choice or an indication that the patient intends to obtain ophthalmic products from a third party does not constitute the sound and reasonable grounds contemplated by the first subparagraph.

Before ceasing to provide optometric services to a patient, an optometrist must inform the patient and ensure that the patient will be able to continue receiving the services required by the patient's condition from another optometrist, another health professional or an institution.

23. An optometrist must report to the Director of Youth Protection any situation in respect of which he has reasonable grounds to believe that the security or development of a child is or may be considered to be in danger; he must then provide the Director with any information that he considers relevant to protecting the child.

DIVISION V QUALITY OF PRACTICE

24. An optometrist must practice optometry with competence and according to scientifically acceptable data and recognized professional standards. To that end, he must in particular develop, perfect and update his knowledge and skills.

25. When consulted by a patient, an optometrist must:

- (1) try to gain full knowledge of the patient's condition, needs and concerns, as well as the reason for the consultation;
- (2) provide the patient with explanations relevant to understanding the nature, purpose, and possible consequences of the interventions he is about to undertake or that he recommends;

(3) ensure that he obtains free and enlightened consent from the patient or, where applicable, the patient's legal representative, to intervene, except in an emergency where consent cannot be obtained;

(4) avoid performing acts that are unwarranted from an optometric point of view, by performing them more frequently than necessary or dispensing them in an exaggerated manner.

26. An optometrist must refrain from practicing optometry under circumstances or in any state that could compromise the quality of his practice, his acts or the honour or the dignity of the profession. He must refrain from practicing while under the influence of any substance causing reduced or disturbed faculties, unconsciousness or intoxication.

27. In the practice of optometry, an optometrist must take into account his capacities, his limitations and the means at his disposal. If the interest of the patient so requires, he must consult another optometrist or health professional and, where required, refer the patient to one of those persons.

28. An optometrist must, at the patient's request, forward as soon as possible to another health professional all the information necessary to provide optometric services to the patient.

29. An optometrist must ensure that the personnel assisting him are qualified for the tasks assigned to them.

30. An optometrist must avoid providing optometric services to himself or a member of his family except in a case that is manifestly not severe or an emergency warranting his immediate intervention.

31. An optometrist must take reasonable care of ophthalmic products entrusted to his care by his patient.

32. Following his patient's instructions, an optometrist must collaborate with the relatives of the patient or any other person who can help ensure that the patient receives the services required by his condition.

DIVISION VI INDEPENDENCE, IMPARTIALITY AND CONFLICTS OF INTEREST

33. An optometrist must at all times safeguard his professional independence, and must therefore in particular disregard any interference, refuse to subscribe to an agreement or accept a benefit, when the purpose or consequence could influence the performance of his professional duties and obligations to the detriment of his patient, a group of individuals or a population.

An optometrist must ensure that a patient is given priority access to optometric services first and foremost on the basis of criteria founded on optometric necessity.

34. An optometrist must show objectivity and impartiality when a person asks him for information, especially when that person is likely to become his patient.

35. An optometrist must subordinate his personal interests, and those of the organization in which he practices or in which he has an interest, to those of his patient.

36. An optometrist must avoid any situation in which he would be in a conflict of interest, in particular when the interests are such that he may be inclined to favour certain interests over those of his patient, his integrity and loyalty towards the latter could be affected, or his compliance with professional duties and obligations may be compromised.

37. An optometrist who becomes aware that he is in a conflict of interest, or that the organization in which he practices is in such a situation, must notify his patient and take the means necessary to prevent the latter from being harmed.

38. An optometrist must refuse to follow up any request, directive or instruction from an officer of the organization in which he practices that is not compatible with his professional duties and obligations.

39. An optometrist may not take advantage of his position as officer of an organization to undermine the professional independence of an optometrist who works there or to encourage the optometrist to perform an act that would be contrary to his professional duties and obligations.

40. An optometrist may not share his professional income, whatever its form, except with another optometrist or with a professional partnership within which he practices or with a person who holds voting rights related to stocks or shares in such partnership, provided the income sharing corresponds to a division of their respective services and responsibilities.

He may, however, allocate, in whole or in part, his income to the professional partnership within which he practices.

41. An optometrist is specifically in a situation of conflict of interest if he practices on behalf of a person other than an optometrist or if he practices within or on behalf of an organization other than:

- (1) a professional partnership;

(2) a government, a government or municipal body, a university or an institution;

(3) an enterprise that engages his services solely for the purpose of providing optometric services to the employees of that enterprise;

(4) a retailer that operates an optical department contemplated by subparagraph *a* of the sixth paragraph of section 25 of the Optometry Act (chapter O-7) when he is responsible for its administration.

42. In addition to the remuneration to which he is entitled, an optometrist must not accept any commission, rebate or any other similar benefit in connection with his practice of optometry. He may, however, accept customary presents and gifts of modest value.

Likewise, he must not pay, offer to pay or undertake to pay to anyone, except his patient, any commission, rebate or other similar benefit in connection with the practice of his profession.

43. Notwithstanding all other provisions in this section, an optometrist may:

(1) subscribe to an agreement under which an organization allows him to use, for free or at a discount, its office, its equipment or other resources necessary to practice optometry, provided it is an organization contemplated in section 41 or an organization controlled by an optometrist, a dispensing optician or a physician;

(2) subscribe to an agreement under which an organization other than the one contemplated in subparagraph 1 allows him to use its office, its equipment or other resources necessary to practice optometry if such agreement sets out a fair and reasonable rent in accordance with local socioeconomic conditions, at the time when this rent is set;

(3) subscribe to an agreement stipulating that an organization contemplated in subparagraph 1 guarantees his professional income, a volume of activity or a client base;

(4) accept a discount paid by a supplier for prompt regular payment or due to the volume of his purchases;

(5) accept payment from a manufacturer of ophthalmic products for a portion of the cost of his advertising, when an agreement in writing is concluded to that effect, the advertising concerns an ophthalmic product marketed by this manufacturer, and the agreement explicitly states that this manufacturer has paid a portion of the cost.

Any agreement required in accordance with this section must be evidenced by a writing and include a statement confirming that the obligations under the agreement

comply with the provisions of this Code as well as a clause authorizing the communication of this agreement to the Order upon request.

A discount contemplated by subparagraphs 4 or 5 of the first paragraph must appear on the invoice or the statement of account and be in keeping with marketplace rules in similar matters.

44. An optometrist must ensure that all activities he performs in an organization, even if such activities do not constitute the practice of optometry, do not compromise the fulfillment of his professional duties and obligations, in particular the obligation to protect the honour, dignity and integrity of the profession.

45. An optometrist who organizes a training activity or acts as a resource person in the context of such an activity must inform the participants of his affiliations or financial interests in the performance of this activity.

DIVISION VII INTEGRITY

46. An optometrist must fulfill his professional duties and obligations with integrity.

47. An optometrist must not administer, sell, give or distribute a medicine or a natural health product that has expired or is returned by patients, even if it appears unused, or contact lenses whose packaging is no longer sealed. He may also not sell samples of these products.

48. An optometrist must, as soon as possible, inform his patient or the patient's legal representative of an accident or a complication that is likely to have or that has had a significant impact on his state of health or physical integrity.

In addition, he must make an entry of such accident or complication in his patient's record and take the appropriate measures to limit any consequences on the health of his patient.

49. An optometrist may not, by whatever means, make a representation to the public or to a person having recourse to his services or allow such to be made on his behalf, about him, for his benefit or for the benefit of a person who collaborates with him in the practice of his profession, that is false, misleading or incomplete, particularly as to his level of competence or the scope of effectiveness of his services, or favouring an ophthalmic product, a method of investigation or a treatment.

50. An optometrist must refrain from entering, producing or using data that he knows to be erroneous in any document, particularly in any report, optometric record or research record and take the measures required to avoid any falsification of such report or record.

51. An optometrist must not propose or agree to prepare or issue to any person a false certificate or attestation, or to provide, in any way whatsoever, false or unverified information, in particular to generate fiscal advantages or for insurance coverage.

52. An optometrist must not solicit any person in an undue manner to use his professional services.

53. An optometrist must take the means necessary to prevent the use of his name, signature, code or specific personal mark in such a way that is contrary to the laws and regulations contemplated in section 4 or in such a way that a person could be misled as regards the terms and conditions on which optometric services or ophthalmic products are offered. He must in particular prevent the use of his name in such a way that leads others to believe that:

(1) he is owner, shareholder, partner or officer of an organization when this is not the case;

(2) he offers optometric services or ophthalmic products in an organization when this is not the case;

(3) he performs monitoring or oversight responsibilities with respect to optometric services or ophthalmic products offered by an organization when this is not the case.

However, an optometrist may allow his name to continue to appear in the name of a professional partnership after he has ceased to be associated with it or a shareholder, provided that the advertisements, displays and other similar documents referring to the activities of such partnership do not lead others to believe that he performs in such partnership the duties or responsibilities contemplated in subparagraphs 1 to 3 of the first paragraph.

An optometrist may not use the name, signature, code or personal mark of another optometrist except with the authorization of the latter and under terms and conditions that comply with this section.

54. When he practices within a professional partnership or has an interest in such partnership, an optometrist must:

(1) notify without delay the secretary of the Order that under the Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3), this partnership has made an assignment of its

property for the benefit of its creditors, is the subject of a receiving order or has made an offer that its creditors have refused or that the court has refused or rescinded;

(2) ensure that the name of this partnership as well as its activities and the acts performed by the persons who act for or on behalf of this partnership are not derogatory to the dignity of the profession of optometrist;

(3) cease to practice in it when a partner, shareholder, director, officer or employee of this partnership is struck from the roll of a professional order for more than 3 months or whose professional permit is revoked, unless this person:

(a) ceases to hold the position of director or officer within the partnership within 15 days of the date on which this person is struck from the roll of a professional order or the decision to revoke this person's permit has become enforceable;

(b) ceases, where applicable, to attend any meeting of shareholders and to exercise the right to vote within 15 days of the date on which this person is struck from the roll of a professional order or the decision to revoke this person's permit has become enforceable;

(c) relinquishes voting shares or deposits them with a trustee within 15 days of the date on which this person is struck from the roll of a professional order or the decision to revoke this person's permit has become enforceable.

DIVISION VIII PROFESSIONAL SECRECY

55. An optometrist must preserve the secrecy of all confidential information obtained in the practice of optometry. For that purpose, he must in particular:

(1) maintain the confidentiality of all information that becomes known to him in the practice of his profession;

(2) refrain from holding or participating, including in social networks, in indiscreet conversations concerning a patient or the services rendered to that patient or from revealing that a person has called upon his services;

(3) take reasonable means with respect to the persons with whom he works to ensure that professional secrecy is preserved;

(4) refrain from using confidential information to the detriment of a patient;

(5) when providing professional services to a couple or a family, preserve each member's right to professional secrecy;

(6) take reasonable means to preserve professional secrecy when he or the persons working with him use information technologies;

(7) record in the patient's record any communication to a third party, with or without the patient's consent, of information protected by professional secrecy, unless the patient is present during this communication.

56. An optometrist may be released from his obligation of professional secrecy only with the authorization of the patient or where so ordered or provided by law.

57. The communication, by an optometrist, of confidential information, to ensure the protection of persons, pursuant to the third paragraph of section 60.4 of the Professional Code (chapter C-26) or any other law or regulation, must:

(1) be performed within a reasonable period of time to achieve the purpose of the communication;

(2) be the subject of a note in the patient's file, including the name and contact information of any person to whom the information has been communicated, the information communicated, the reasons in support of the decision to communicate it and the method of communication used.

DIVISION IX ACCESSIBILITY AND RECTIFICATION OF RECORDS

58. An optometrist must, promptly and within not more than 20 days of its receipt, respond to any request made by his patient of 14 years of age or older to examine or obtain a copy of documents concerning this patient in any record established in this patient's respect. Likewise, he must respond to any request made by the patient to communicate a document concerning this patient to any person.

An optometrist must obtain the consent of a minor of 14 years of age or older before communicating to the minor's parent or tutor health information connected with care to which the minor may give his or her consent alone.

59. An optometrist may not communicate information concerning a patient or contained in the patient's record that has been provided by or concerns a third party and where knowledge of the existence or the communication thereof would make it possible to identify the third party and such disclosure could seriously harm the third party,

unless the latter agrees in writing to the communication of the information or in the case of an emergency that threatens the life, health or safety of the person concerned.

The first paragraph does not apply when the information was provided by a health professional or by a worker at an institution.

60. An optometrist may charge a patient reasonable fees no greater than the cost of reproducing or transcribing such documents and the cost of transmitting a copy of the latter.

An optometrist who intends to charge such fees must, before proceeding with any reproduction, transcription or transmission, inform the patient of the approximate amount the patient will be required to pay.

61. An optometrist must, promptly and within not more than 20 days of its receipt, respond to any request made by a patient to correct or delete inexact, incomplete, ambiguous, outdated or unjustified information in any document concerning the patient. He must also respect the right of the patient to make written comments in the record.

An optometrist must deliver to the patient and, where applicable, any person designated in writing by the latter, free of charge, a copy of the document or that part of the document which was duly dated and placed in the record and which allows the patient to see that the information was corrected or deleted or, depending on the case, an attestation that the patient's written comments have been entered in the record.

62. An optometrist who refuses to grant a request to correct or delete information must give written justification of the refusal, enter the reasons in the record and inform the patient of available remedies.

63. An optometrist must respond promptly to any written request from a patient to have a document returned to him or her.

DIVISION X RESEARCH

64. An optometrist must, before undertaking research on humans, obtain approval of the project by a research ethics committee that respects existing standards, in particular regarding its composition and procedures. He must also ensure that his professional duties and obligations are made known to all persons collaborating in the research.

65. Before undertaking research, an optometrist must evaluate the possible repercussions on the participants; he must in particular:

(1) consult the persons likely to help him in deciding whether to undertake the research or in taking measures intended to eliminate risks to the participants;

(2) ensure that the persons working with him on the research respect the physical and psychological integrity of the participants.

66. An optometrist must respect a person's right to refuse to participate in a research project or to withdraw from such project at any time. To that end, he must refrain from pressuring a person who is likely to be eligible for such a project.

67. An optometrist must, in respect of a participant or a participant's legal representative, ensure that:

(1) the participant or the participant's legal representative is informed of the research project's objectives, its benefits, risks or inconveniences, the benefits derived from regular care, if applicable, as well as the fact, if such is the case, that the optometrist will derive a benefit from enrolling or maintaining the participant in the research project;

(2) free and enlightened written consent, revocable at all times, is obtained from the participant or the participant's legal representative before the participant begins participation in the research project or whenever there is any material change in the research protocol;

(3) clear, specific and enlightened consent is obtained from the participant or the participant's legal representative before communicating information concerning the participant to a third party for the purposes of scientific research.

68. An optometrist who undertakes or participates in research on humans must comply with scientific principles and generally recognized ethical standards that are justified by the nature and goal of his research.

69. An optometrist must refuse to collaborate in any research activity if the risks to the health of subjects appear disproportionate to the potential benefits they may derive from it or the benefits they would derive from regular treatment or care, if applicable.

70. An optometrist must promote the positive impacts, for society, of the research projects in which he participates. To that end, he supports the means intended to ensure that the findings of these projects, whether they are conclusive or not, are made public or made available to other interested persons.

DIVISION XI FEES

71. An optometrist must charge fair and reasonable fees and refrain from seeking or obtaining a profit that is disproportionate to the value of an ophthalmic product that he dispenses.

72. The fees are fair and reasonable if they are warranted by the circumstances and proportionate to the services rendered. To determine his fees, an optometrist must consider the following factors:

(1) the time required to provide the optometric service;

(2) the complexity and extent of the service;

(3) the necessity of using specific apparatuses and equipment if their use is not routinely required;

(4) the provision of services that require a particular competence or exceptional celerity.

An optometrist must not adjust in any way the fees that are charged for optometric services that he renders for the purposes of prescribing ophthalmic products on the basis of a patient's decision to acquire or not acquire the prescribed ophthalmic products from him or from the organization in which he practices. Likewise, he must not impose, in conjunction with the amount of his fees or the price of ophthalmic products, the condition that to receive the services or products concerned, a patient must waive a right to which he is entitled under the laws and regulations contemplated in section 4.

73. An optometrist must ensure that his patient is informed of the approximate and foreseeable cost of his optometric services and the ophthalmic products that he offers, before such services are provided or such products are ordered and each time the initially anticipated costs are likely to increase significantly.

Information on these costs may in particular be communicated by an accessible and explicit sign displayed on the premises where an optometrist practices, provided that the patient is given a valid opportunity to obtain additional explanations in that respect and, where applicable, to refuse the services or products whose cost the patient does not want to assume.

74. An optometrist may not require in advance the payment of his professional fees. He may, however, require the payment of an instalment for the acquisition of an ophthalmic product to be delivered subsequently or an amount to cover the costs incurred by him to pay a third party for work performed at the request of a patient.

75. An optometrist may not claim:

(1) the payment of an account of fees or ophthalmic products when this payment must be paid to him by a third party, unless by law, he may conclude or has concluded an explicit agreement to the contrary with the patient;

(2) fees for an optometric service that has been unjustifiably dispensed from an optometric point of view;

(3) fees for an optometric service that has not been dispensed or that does not correspond to the service actually rendered.

76. An optometrist must, at the end of a consultation or when ophthalmic products are ordered, provide his patient with an invoice for the fees or the sold products, as well as all explanations that are necessary to understand the invoice.

The invoice must in particular include the following: his name, his optometrist title, the name, address and telephone number of the organization in which he practices, the date and, in detail and separately, the price charged and the description of the optometric services rendered and the products sold.

In the event that glass frames or ophthalmic lenses are sold, the invoice must in particular indicate, separately, the price of the frame, the price of the lenses, their commercial brands or their principal characteristics. If fees for fitting or adjusting the glass frames or ophthalmic lenses are charged separately from the price of the glasses or lenses, they must also appear separately on the invoice.

In the event that medicine or other ophthalmic products are administered to the patient, the price of the service must appear separately from the price of the product.

77. An optometrist may collect interest on his accounts only after having notified his patient in writing. The interest charged must be of a reasonable rate.

78. Before resorting to legal proceedings for the payment of optometric service fees and ophthalmic products, an optometrist must exhaust all other means at his disposal.

79. An optometrist who entrusts another person with the collection of his accounts must ensure that this person proceeds with tact and moderation.

DIVISION XII ADVERTISING AND PUBLIC STATEMENTS

80. An optometrist must refrain from advertising or making a public statement or allowing such to be made on his behalf, by any means whatsoever, that is false, misleading or liable to mislead the public.

81. The advertisement or the public statement made by an optometrist or on his behalf must not:

(1) include a comparison of the quality of optometric services to those of another optometrist, or discredit or denigrate the image or the optometric services rendered by another optometrist;

(2) include a testimonial or endorsement;

(3) concern an ophthalmic product if there is not sufficient quantity of it to meet the foreseeable demand of the public for a reasonable period of time;

(4) contain affirmations contrary to scientifically acceptable data and recognized professional standards.

82. An optometrist is responsible for the content of an advertisement or a public statement concerning the optometric services offered by an organization in which he practices, unless it is established that the advertisement or the statement was made without his knowledge, without his consent and despite the specific measures he took to comply with the rules prescribed by this Code and, where applicable, by the other laws and regulations contemplated in section 4.

83. The advertisement made by an optometrist or on his behalf must mention his name and his optometrist title.

When such advertisement refers to activities that are reserved for optometrists, it must not lead others to believe that these activities are performed, directly or indirectly, by a person who is not authorized to perform them.

84. An optometrist who advertises the amount of his fees, the price of ophthalmic products, or any policy or commercial offer in that respect, must clearly specify:

(1) the nature and scope of the services as well as the characteristics of the products offered, unless all the products on site are concerned;

(2) if other required services or products are not included;

(3) the period of validity;

(4) any important information that helps the public make an enlightened choice with respect to an offered service or product, in particular the fact that a product is discontinued.

These details must serve to inform a person who does not have specific knowledge of optometric services and ophthalmic products.

85. An optometrist may use a reproduction of the graphic symbol of the Order only in the following cases:

- (1) in his correspondence;
- (2) on a business card, in particular for the purposes of reproduction in a column intended to advertise professional services;
- (3) on a poster advertising the professional partnership in which he practices;
- (4) on a receipt issued for the optometric services rendered.

An optometrist must ensure that the reproduction conforms to the original held by the secretary of the Order, is accompanied by his name and his professional title. Also, the reproduction used in this way must not include the terms “Ordre des optométristes du Québec” and must not lead others to think that it is a document or a poster authorized by the Order.

86. An optometrist must keep an integral copy of every advertisement made by him or on his behalf, in its original form, for a period of 3 years following the date on which it was last published or broadcast. On request, the copy must be given immediately to the secretary of the Order, a syndic, an inspector, an investigator or a member of the professional inspection committee.

DIVISION XIII RELATIONS WITH OTHER OPTOMETRISTS, STUDENTS, TRAINEES AND OTHER PROFESSIONALS

87. An optometrist must, to the extent possible for him, help develop optometry by sharing his knowledge and experience, in particular with other optometrists, students and trainees in optometry, as well as by participating in continuing education activities and courses and training periods.

88. An optometrist must, in his relations with other optometrists, students, trainees and other health professionals, conduct himself with dignity, courtesy, respect and integrity. He must in particular:

(1) collaborate with them for the purposes of providing services to a patient, and endeavour to establish and maintain harmonious relations;

(2) when consulted by them, give his opinion and recommendations to them as soon as possible;

(3) refrain from denigrating them, breaching their trust, voluntarily misleading them, betraying their good faith or engaging in disloyal practices;

(4) refrain from soliciting their clientele when called upon to collaborate with them, except with their approval and without also compromising the possibility of informing his patients of a change in the place of practice or even transmitting to one of his patients, in the latter's sole interest, information of a promotional or commercial character;

(5) refrain from systematically making unwarranted or abusive requests or referrals to them, to avoid having to intervene himself, despite his ability to do so;

(6) avoid claiming credit for work which rightfully belongs to them;

(7) give a fair, honest and well-founded opinion when evaluating one of them;

(8) refrain from harassing, intimidating or threatening them.

89. An optometrist must, as regards the records of patients who have consulted him, establish and maintain the written agreements required to keep and retain such records at all times under his control or under the control of another optometrist.

An optometrist must, subject to the terms of a written agreement, allow an optometrist who ceases to practice in an organization to provide a copy of the records of patients who have consulted him. Each of the optometrists must collaborate so that such a situation does not compromise the rights of patients, in particular as concerns the access and the rectification of their record and the continuity of services they require.

DIVISION XIV RELATIONS WITH THE ORDER

90. An optometrist must collaborate with the Order in the execution of its mandate to protect the public. For that purpose and with respect to the Board of Directors, the executive committee, the secretary of the Order, a syndic, the professional inspection committee or an inspector, he must in particular:

(1) comply with any agreement he has concluded;

(2) as soon as possible, reply to any request and make himself available for any meeting, in accordance with the terms and conditions communicated to him;

(3) refrain from any act of intimidation, obstruction or denigration.

91. An optometrist who is the subject of an inquiry by a syndic must refrain from intimidating or harassing the person who requested the holding of the inquiry or any other person involved in the matter under investigation. He may not communicate with such person unless he has received prior written permission from the syndic in charge of the inquiry.

92. An optometrist must report to the Order any optometrist, trainee or student in optometry or any other person authorized to practice who he believes is unfit to practice, incompetent or dishonest, or who he considers has performed an act in contravention of the provisions of the laws and regulations contemplated in section 4.

He must also report to the Order a situation where a person who is not a member unlawfully uses the title or the abbreviations reserved for optometrists or practices optometry illegally.

However, an optometrist must not make such reports in an exaggerated manner or threaten someone that he will make such a report for the purposes of intimidation or retaliation.

93. Upon the request of the Board of Directors, an optometrist must, to the extent possible for him, participate in the disciplinary council, the professional inspection committee or the review committee, in addition to performing any other responsibility necessary to ensure the protection of the public.

CHAPTER III FINAL PROVISIONS

94. This Code replaces the Code of Ethics of Optometrists (chapter O-7, r. 5).

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