

Regulations and other Acts

Gouvernement du Québec

O.C. 510-2018, 18 April 2018

Combative sports between amateur athletes in the territory of Québec

WHEREAS, under subsection 1 of section 83 of the Criminal Code, every one who engages as a principal in a prize fight, advises, encourages or promotes a prize fight, or is present at a prize fight as an aid, second, surgeon, umpire, backer or reporter, is guilty of an offence punishable on summary conviction;

WHEREAS, under paragraph *a* of subsection 2 of section 83 of the Criminal Code, a contest between amateur athletes in a combative sport with fists, hands or feet held in a province if the sport is on the programme of the International Olympic Committee or the International Paralympic Committee and, in the case where the province's lieutenant governor in council or any other person or body specified by him or her requires it, the contest is held with their permission, is not included in the definition of "prize fight";

WHEREAS boxing, Greco-Roman wrestling and free-style wrestling, judo, taekwondo and karate are amateur combative sports currently on the programme of the International Olympic Committee or the International Paralympic Committee;

WHEREAS, under paragraph *b* of subsection 2 of section 83 of the Criminal Code, a contest between amateur athletes in a combative sport with fists, hands or feet held in a province if the sport has been designated by the province's lieutenant governor in council or by any other person or body specified by him or her and, in the case where the lieutenant governor in council or other specified person or body requires it, the contest is held with their permission, is not included in the definition of "prize fight";

WHEREAS, under paragraph *b* of subsection 2 of section 83 of the Criminal Code, it is expedient to designate kick-boxing as an amateur combative sport not included in the definition of prize fight;

IT IS ORDERED, therefore, on the recommendation of the Minister of Education, Recreation and Sports:

THAT, for the purposes of paragraph *b* of subsection 2 of section 83 of the Criminal Code, kick-boxing is designated as an amateur combative sport not included in the definition of prize fight.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 515-2018, 18 April 2018

Professional Code
(chapter C-26)

Optometrists — Code of ethics of optometrists

Code of ethics of optometrists

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 optométristes du Québec made the Code of ethics of optometrists at its sitting of 14 December 2015;

WHEREAS, under section 95.3 of the Professional Code, a draft Code of ethics of optometrists was sent to every member of the Order at least 30 days before adoption by the board of directors;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting such an order must be transmitted to the Office des professions for examination and 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 Code of ethics of optometrists was published in Part 2 of the *Gazette officielle du Québec* of 30 March 2016 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation then submitted it to the Government with its recommendation on 14 December 2017;

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 optometrists, attached to this Order in Council, be approved.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Code of ethics of optometrists

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

CHAPTER I PRELIMINARY

1. This Code determines the duties and obligations that must be discharged by every member of the Ordre des optométristes du Québec towards the public, patients and the profession.

The duties and obligations under the Optometry Act (chapter O-7), the Professional Code (chapter C-26) and their regulations are not modified in any manner owing to the fact that an optometrist carries on professional activities within an organization.

2. For the purposes of this Code, unless the context indicates otherwise,

(1) “institution” means 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);

(2) “organization” means a professional partnership and a structured entity, including a partnership or joint-stock company, a legal person or a group of persons, whose activities are related to the practice of optometry;

(3) “ophthalmic product” means an ophthalmic lens, glass frames, medication 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 any act performed by an optometrist as part of the practice of optometry;

(5) “professional partnership” means a general or undeclared partnership that complies with sections 2 and 3 of the Regulation respecting the practice of the profession of optometry within a partnership or a joint-stock company (chapter O-7, r. 8) to constitute a limited liability partnership, and any partnership or joint-stock company constituted in accordance with that Regulation.

3. An optometrist may not exempt himself or herself, even indirectly, from an obligation or duty imposed by this Code.

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

CHAPTER II DUTIES AND OBLIGATIONS TOWARD 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 the use of resources dedicated to health care.

8. An optometrist must protect and promote the health and well-being of the persons served by the optometrist, both individually and collectively. The optometrist must for that purpose promote measures of education and information in optometry.

DIVISION II QUALITY OF THE PROFESSIONAL RELATIONSHIP

9. An optometrist must practise optometry in a manner which respects the dignity and the freedom of persons and refrain from any form of discrimination.

10. An optometrist must have a conduct beyond reproach toward any patient and other person with whom the optometrist makes contact within the practice of the profession.

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

12. An optometrist must take the means necessary to enable patients to identify the optometrist by name and to position the optometrist's title so that it is clearly identifiable in the places where the optometrist practises. If the optometrist's right to practise professional activities is subject to a limitation, the optometrist must take measures to inform patients.

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

More specifically, an optometrist must, for the duration of the professional relationship established with a patient, refrain from taking advantage of that relationship to have sexual relations with that person or to make 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 patient and the likelihood of having to provide such services to that person again.

14. An optometrist must not, directly or indirectly, 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.

The optometrist must also not conspire with a third person 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 the patient in matters unrelated to the practice of the profession.

16. In the practice of optometry, an optometrist must not in any way evade personal civil liability towards the patient or the professional partnership within which the optometrist practises 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, the optometrist must in particular refuse to subscribe to any agreement that operates to deprive that right and the optometrist must collaborate with the professional chosen by the patient for the services to be rendered to the patient.

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 ophthalmic lenses or medication 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 the patient on site or, immediately, at any other time. To that end, an optometrist must also take the necessary means to ensure that, at the patient's request, the prescription is given to the patient or sent 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 sending a prescription. However, in cases where a first copy of the prescription has already been given to the patient or sent to a person designated by the patient, reasonable fees may be charged in accordance with the same terms and conditions as those provided for in section 61 for giving or sending any additional copy.

DIVISION IV AVAILABILITY AND DILIGENCE

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

20. An optometrist must provide the follow-up that may be required by the interventions with a patient. The follow-up may be provided by another optometrist, health professional or institution able to do so. The optometrist must then cooperate with the professional or institution providing the follow-up.

21. An optometrist who is absent from the place where the optometrist practises regularly, who practises there irregularly or discontinuously or who ceases to practise there must take the measures necessary to ensure that the 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 an optometrist has sound and reasonable grounds for doing so, the optometrist may not refuse to provide an optometric service to a patient, cease such services or reduce their accessibility.

The following are sound and reasonable grounds:

- (1) the distrust or the loss of confidence of the patient;
- (2) being in a conflict of interest or any situation where 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 sent to a person of the patient's choice or an indication that the patient intends to obtain ophthalmic products from a third person do not constitute the sound and reasonable grounds referred to in the first paragraph.

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 the optometrist has reasonable grounds to believe that the security or development of a child is or may be considered to be in danger; the optometrist must then provide the Director with any information that the optometrist considers relevant to protecting the child.

DIVISION V QUALITY OF PRACTICE

24. An optometrist must practise optometry with competence according to scientific data and recognized professional standards. To that end, the optometrist must in particular develop, perfect and update his or her knowledge and skills.

25. Where consulted by a patient, an optometrist must

- (1) try to gain full knowledge of the patient's condition, needs and concerns, and the reason for the consultation;

- (2) provide the patient with explanations relevant to understanding the nature, purpose, and possible consequences of the interventions the optometrist is about to undertake or that the optometrist recommends;

- (3) ensure that the optometrist 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; and

- (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 practising optometry under circumstances or in any state that could compromise the quality of the practice or acts or the honour or dignity of the profession. The optometrist must refrain from practising while under the influence of any substance which may affect the optometrist's faculties.

27. In the practice of optometry, an optometrist must take into account the optometrist's capacities, limitations and means at the optometrist's disposal. If the interest of the patient so requires, the optometrist 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 services to the patient.

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

30. An optometrist must, except in emergencies or in cases which are manifestly not serious, refrain from providing optometric services to himself or herself or to any person with whom he or she has a relationship likely to harm the quality of his or her practice, in particular his or her spouse or children.

31. An optometrist must take reasonable care of ophthalmic products entrusted to the optometrist's care by a patient.

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

DIVISION VI

INDEPENDENCE, IMPARTIALITY AND CONFLICTS OF INTEREST

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

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

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

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

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

37. An optometrist who becomes aware that he or she is in a conflict of interest, or that the organization in which the optometrist practises is in such a situation, must notify the 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 the optometrist practises that is not compatible with professional duties and obligations.

39. An optometrist may not take advantage of the 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 professional duties and obligations.

40. An optometrist may not share fees or benefits resulting from the practice of the profession, except with another optometrist or with a professional partnership within which the optometrist practises 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.

The optometrist may, however, allocate, in whole or in part, income to the professional partnership within which the optometrist practises.

41. An optometrist is in a situation of conflict of interest if the optometrist practises optometry as an employee of a natural person or organization selling or manufacturing ophthalmic products or as partner, shareholder or officer of a partnership or joint-stock company selling or manufacturing such products, except in the case, as the case may be, of

(1) an optometrist;

(2) a professional partnership;

(3) a public body, other than an institution, referred to in the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1);

(4) an institution;

(5) an enterprise that engages the optometrist's services solely for the purpose of providing optometric services to the employees of that enterprise;

(6) a retailer that operates an optical department referred to in subparagraph *a* of the sixth paragraph of section 25 of the Optometry Act (chapter O-7) when the optometrist is responsible for its administration.

42. In addition to the remuneration to which an optometrist is entitled, the optometrist must not accept any commission, rebate or any other similar benefit in connection with the practice of optometry. The optometrist may, however, accept tokens of appreciation or gifts of small value.

The optometrist must not pay, offer to pay or undertake to pay any commission, rebate or other similar benefit in connection with the practice of the profession, except in the case of a benefit intended for the patient.

43. Despite any other provisions in this Division, an optometrist may

(1) subscribe to an agreement under which an organization allows the optometrist to use, free of charge or at a discount, its office, equipment or other resources necessary to practise optometry, provided it is an organization referred to paragraphs 2 to 6 of 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 referred to in subparagraph 1 allows the optometrist to use its office, equipment or other resources necessary to practise optometry if such agreement sets out a fair and reasonable rent in accordance with local socioeconomic conditions, at the time when the rent is set;

(3) subscribe to an agreement under which an organization referred to in subparagraph 1 guarantees 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 purchases;

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

Any agreement referred to in this section must be evidenced in writing and include a statement confirming that the obligations under the agreement comply with the provisions of this Code and a clause authorizing the communication of the agreement to the Order on request.

A discount referred to in subparagraph 4 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 the optometrist performs in an organization, even if such activities do not constitute the practice of optometry, do not compromise the fulfillment of professional duties and obligations, in particular the obligation to protect the honour and dignity 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 the affiliations or financial interests in the performance of the activity.

DIVISION VII INTEGRITY

46. An optometrist must fulfill professional duties and obligations with integrity. The optometrist must in particular refrain from any act of collusion, corruption, malfeasance, breach of trust or influence peddling.

47. An optometrist must not administer, sell, give or distribute a medication 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. The optometrist may also not sell samples of those products.

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

The optometrist must also make an entry of such accident or complication in the patient's record and take the appropriate measures to limit any consequences on the patient's health.

49. An optometrist may not, by whatever means, make or allow to be made on the optometrist's behalf, about the optometrist or for the benefit of the optometrist, an organization in which the optometrist practises or another person who collaborates with the optometrist in the practice of the profession, false, misleading or incomplete representation to the public or a person who resorts to the optometrist's services, in particular respecting the optometrist's level of competence or the scope or effectiveness of the 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 the optometrist 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 the optometrist's services

53. An optometrist must take the means necessary to prevent the use of the optometrist's name, signature, specific personal mark or code contrary to the laws and regulations referred to 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. The optometrist must in particular prevent the use of the optometrist's name in such a way that leads others to believe that the optometrist

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

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

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

An optometrist may, however, allow the optometrist's name to continue to appear in the name of a professional partnership after the optometrist has ceased to be a partner or shareholder, provided that the advertisements, displays and other similar documents referring to the activities of such partnership do not lead others to believe that the optometrist performs in such partnership the duties or responsibilities referred to in subparagraphs 1 to 3 of the first paragraph.

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

54. Where an optometrist practises within a professional partnership or has an interest in such partnership, an optometrist must

(1) notify immediately the secretary of the Order that under the Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3), the 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 the partnership as well as its activities and the acts performed by the persons who act for or on behalf of the partnership are not derogatory to the honour or dignity of the profession of optometrist;

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

(a) ceases to hold the position of director or officer within the partnership within 15 days of the date on which the striking from the roll or the revocation of the 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 the striking from the roll or the revocation of the permit has become enforceable; or

(c) relinquishes voting shares or deposits them with a trustee within 15 days of the date on which the striking from the roll or the revocation of the 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, the optometrist must, in particular,

(1) maintain the confidentiality of all information that becomes known to the optometrist in the practice of the 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 the optometrist's services;

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

(4) refrain from using confidential information to the detriment of a patient or to obtain, directly or indirectly, a benefit for the optometrist or another person;

(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 the optometrist or the persons working with the optometrist use information technologies;

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

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

To obtain such authorization, the optometrist informs the patient of the possible implications of the release from professional secrecy.

57. An optometrist who, pursuant to the third paragraph of section 60.4 of the Professional Code (chapter C-26), communicates confidential information to prevent an act of violence, may only communicate the information to the person or persons exposed to the risk, to their representative or to persons likely to provide help.

The optometrist may only communicate the information necessary for the purposes of the communication.

58. 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; and

(2) be noted 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

59. An optometrist must, promptly and not later than 30 days of its receipt, respond to any written request made by a patient 14 years of age or older to examine or obtain a copy of documents concerning the patient in any record established in the patient's respect. The optometrist must also respond to any written request made by the patient to communicate a document concerning the patient to any person.

An optometrist must obtain the consent of a minor 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 consent alone.

60. 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 person and where knowledge of the existence or the communication thereof would make it possible to identify the third person and such disclosure could seriously harm the third person, unless the latter agrees 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 where the information was provided by a health professional or by an employee at an institution in the performance of their duties.

61. 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 documents.

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.

62. An optometrist must, promptly and not later than 30 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. The optometrist 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, as the case may be, an attestation that the patient's written comments have been entered in the record.

63. An optometrist who denies a patient access to information contained in the patient's record, where authorized by law, or who refuse to correct or delete information in any document concerning the patient, must inform the patient in writing of the reasons for the refusal, enter the reasons in the record and inform the patient of available remedies.

64. An optometrist must respond promptly and not later than 30 days of its receipt, to any written request from a patient to take back a document entrusted to the optometrist by the patient.

DIVISION X RESEARCH

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

66. Before undertaking any research project, an optometrist must evaluate the possible repercussions on the participants. To that end, the optometrist must, in particular

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

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

67. 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, the optometrist must refrain from pressuring a person who is likely to be eligible for such a project.

68. 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 adequately 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 applicable, 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 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 person for the purposes of scientific research.

69. An optometrist who undertakes or participates in a research project on human beings must comply with scientific principles and generally recognized ethical standards that are justified by the nature and goal of the project.

70. An optometrist must cease any form of participation or cooperation in any research project 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, after notifying the research ethics committee or any other competent authority.

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

DIVISION XI FEES

72. An optometrist must charge fair and reasonable fees and refrain from seeking or obtaining a profit that is disproportionate to the ophthalmic products that the optometrist sells.

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

(1) experience and special skills;

(2) the time required to provide the services;

(3) the nature and complexity of the services;

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

(5) the provision of services that require a particular competence or exceptional celerity;

(6) the expenses and costs incurred.

An optometrist must not adjust in any way the fees that are charged for optometric services rendered for the purposes of prescribing ophthalmic lenses or medication on the basis of a patient's decision to acquire or not acquire the prescribed ophthalmic products from the optometrist or from the organization in which the optometrist practises. The optometrist must not impose, in conjunction with the amount of fees or the price of the products sold, the condition that to receive the services or products concerned, a patient must waive a right to which the patient is entitled under the laws and regulations provided for in section 4.

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

Information on the costs may in particular be communicated by an accessible and explicit sign displayed on the premises where an optometrist practises, 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.

75. An optometrist may not require in advance the payment of professional fees. The optometrist 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 the optometrist to pay a third person for work performed at the request of a patient.

76. An optometrist may not claim

(1) the payment of an account of fees or ophthalmic products when the payment must be paid to the optometrist by a third person, unless an explicit agreement to that effect was entered into with the patient in accordance with law;

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

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

77. An optometrist must, at the end of a consultation or when ophthalmic products are ordered, provide the patient with a detailed invoice for the optometric services or the products sold.

The invoice must in particular include the following: the optometrist's name and title, the name, address and telephone number of the organization in which the optometrist practises, the date and, in detail and separately, the price charged and the description of the optometric services rendered and the ophthalmic 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 medication or other ophthalmic products are administered to the patient, the price of the service must appear separately from the price of the product.

78. Outstanding accounts of optometrists bear interest at the reasonable rate agreed in advance in writing with their patient.**79.** Before resorting to legal proceedings for the payment of fees and ophthalmic products sold, an optometrist must exhaust all other means at the optometrist's disposal.**80.** An optometrist who entrusts another person with the collection of accounts must ensure that the person

(1) holds a permit allowing the person to act as a collection agent;

(2) proceeds with tact and moderation and respects the confidentiality of the information contained in the patient's record.

DIVISION XII
ADVERTISING AND PUBLIC STATEMENTS**81.** An optometrist must refrain from advertising or making a public statement or allowing such to be made on the optometrist's behalf, by any means whatsoever, that is false, misleading or liable to mislead the public.**82.** The advertisement or the public statement made by an optometrist or on the optometrist's 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; or

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

83. An optometrist is responsible for the content of an advertisement or a public statement concerning the optometric services offered by an organization in which the optometrist practises, unless it is established that the advertisement or the statement was made without the optometrist's knowledge, without the optometrist's consent and despite the specific measures the optometrist took to comply with the rules prescribed by this Code and, where applicable, by the other laws and regulations referred to in section 4.**84.** The advertisement made by an optometrist or on the optometrist's behalf must mention the optometrist's name and title of optometrist.

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

85. An optometrist who advertises the amount of 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 a service or product offered, 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.

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

(1) in 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 the optometrist practises;

(4) on any other document that, in accordance with this Code, must be given to the patient in relation to optometric services or ophthalmic products.

An optometrist must ensure that the reproduction conforms to the original held by the secretary of the Order and is accompanied by the optometrist's name and professional title. The reproduction 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.

87. An optometrist must keep an integral copy of every advertisement made by the optometrist or on the optometrist's 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

88. An optometrist must, to the extent possible, help develop optometry by sharing his or her 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.

89. An optometrist must, in relations with other optometrists, students, trainees in optometry and other health professionals and employees of institutions, conduct himself or herself with dignity, courtesy, respect and integrity. The optometrist 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 or her 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 patients of a change in the place of practice or even transmitting to a patient, 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 or herself, despite the 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; and

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

90. An optometrist must, as regards the records of patients who have consulted the optometrist, establish and maintain the written agreements required to keep and retain such records at all times under the optometrist's control or under the control of another optometrist or an institution.

An optometrist must, subject to the terms of a written agreement, allow an optometrist who ceases to practise in an organization to provide a copy of the records of patients who have consulted the optometrist. 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

91. 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, the optometrist must, in particular,

(1) comply with any agreement the optometrist has entered into;

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

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

92. 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. The optometrist may not communicate with such a person unless the optometrist has received prior written permission from the syndic in charge of the inquiry.

93. An optometrist must report to the Order any student or trainee in optometry who the optometrist has reason to believe is unfit to practise the profession.

94. An optometrist must, as soon as possible,

(1) report to the syndic of the Order that the optometrist has reason to believe

(a) that an optometrist contravenes the laws and regulations referred to in section 4;

(b) that there is a situation likely to affect the competence or integrity of an optometrist;

(2) report to the Order that the optometrist has reason to believe

(a) that a person authorized to perform an act related to the practice of optometry is unfit to practise, incompetent, dishonest or contravenes the laws and regulations referred to in section 4;

(b) that a person who is not a member of the Order unlawfully uses the title or the abbreviations reserved for optometrists or practises optometry illegally.

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

95. On the request of the board of directors, an optometrist must, to the extent possible, 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

96. This Code replaces the Code of ethics of optometrists (chapter O-7, r. 5).

97. This Code 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. 516-2018, 18 April 2018

Professional Code
(chapter C-26)

Criminologists — Committee on training

Regulation respecting the committee on training of criminologists

WHEREAS, in accordance with the second paragraph of section 184 of the Professional Code (chapter C-26), the Government may, by regulation and after having consulted the Office des professions du Québec and the persons or bodies referred to in subparagraph 7 of the fourth paragraph of section 12 of the Code, fix the terms and conditions of cooperation between the order concerned and the authorities of the educational institutions in Québec that issue a diploma giving access to a permit or a specialist's certificate;

WHEREAS, in accordance with the second paragraph of section 184 of the Code, the Government has consulted the Office, the educational institutions concerned, the Ordre professionnel des criminologues du Québec, the Bureau de coopération interuniversitaire and the Minister responsible for Higher Education;