

a technician or a person in the process of obtaining a permit for the practice of pharmacy, made by the Ordre des pharmaciens du Québec.

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

Further information on the draft Regulation may be obtained by contacting Maude Thibault, notary, Direction des affaires juridiques, Collège des médecins du Québec, 1250, boulevard René-Lévesque Ouest, bureau 3500, Montréal (Québec) H3B 0G2; telephone: 514 933-4441, extension 5277, or 1 888 633-3246, extension 5277; email: mthibault@cmq.org.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Roxanne Guévin, Secretary, Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3; email: secretariat@opq.gouv.qc.ca. The comments will be forwarded by the Office to the Minister of Higher Education and may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

ROXANNE GUÉVIN  
Secretary  
*Office des professions du Québec*

## Regulation to amend the Regulation respecting certain professional activities that may be engaged in by a pharmacist

Medical Act  
(chapter M-9, s. 19, 1st par., subpar. b)

**1.** The Regulation respecting certain professional activities that may be engaged in by a pharmacist (chapter M-9, r. 12.2.1) is amended by replacing section 6 by the following:

“6. A person who is in the process of obtaining a permit to practise pharmacy within the meaning of the Regulation respecting the professional activities of pharmacists that may be engaged in by technical assistants, technicians or persons who are in the process of obtaining a permit to practise pharmacy (*insert reference to the Gazette officielle du Québec*) may engage in the professional activities provided for in this Regulation if the person engages in the activities under the constant supervision of a pharmacist responsible for the activities who must be available to intervene on short notice.”

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

105476

### Draft Regulation

Professional Code  
(chapter C-26)

#### Podiatrists — Code of ethics of podiatrists — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Code of ethics of podiatrists, made by the board of directors of the Ordre des podiatres du Québec and appearing below, is published as a draft and may be examined by the Office des professions du Québec then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation mainly removes the current prohibition against podiatrists holding funds or property on behalf of patients. It also updates the Code of ethics in particular to take into account the most recent amendments to the Professional Code (chapter C-26).

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

Further information on the draft Regulation may be obtained by contacting Martine Gosselin, Director General and Secretary, Ordre des podiatres du Québec, 7151, rue Jean Talon Est, bureau 700, Montréal (Québec) H1M 3N8; telephone: 514 288-0019, extension 255, or 1 888 514-7433, extension 255; email: mgosselin@ordredespodiatres.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Roxanne Guévin, Secretary, Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3; email: secretariat@opq.gouv.qc.ca. The comments will be forwarded by the Office to the Minister of Higher Education and may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

ROXANNE GUÉVIN  
Secretary  
*Office des professions du Québec*

## Regulation to amend the Code of ethics of podiatrists

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

**1.** The Code of ethics of podiatrists (chapter P-12, r. 5.01) is amended by inserting the following after section 4:

“**4.1.** In their practice of podiatry, podiatrists must show respect for the dignity and freedom of persons and refrain from any form of discrimination based on a ground mentioned in section 10 of the Charter of human rights and freedoms (chapter C-12) and from any form of harassment.

### **4.2.** Podiatrists must not

(1) commit an act involving collusion, corruption, malfeasance, breach of trust or influence peddling;

(2) attempt to commit such an act or counsel another person to do so; or

(3) conspire to commit such an act.”

**2.** Section 9 is amended by replacing paragraph 3 by the following:

“(3) refrain from performing acts that are unwarranted from a podiatry point of view, in particular by performing them more frequently than necessary or dispensing them in an exaggerated manner.”

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

“**11.** Podiatrists must refrain from practising in circumstances or a state likely to compromise the quality of their practice or acts, or the honour or dignity of the profession. They must refrain from practising podiatry while under the influence of any substance which may affect their faculties.

**11.1.** Except in emergencies or in cases which are manifestly not serious, podiatrists must refrain from treating themselves or from treating any person with whom there is a relationship likely to impair the quality of their practice, in particular their spouse or children.

**11.2.** During the professional relationship, podiatrists must not establish friendships likely to compromise the quality of their professional services, or relations of an amorous or sexual nature with a patient or relative of the patient. They must also refrain from making remarks or gestures of a sexual nature to a patient or relative of the patient.

The duration of the professional relationship is determined by taking into account, in particular, the nature of the issues and the duration of the professional services provided, the patient’s vulnerability and the likelihood of having to provide professional services to the patient again.”

**4.** The following is inserted after section 14:

“**14.1.** Podiatrists must not, directly or indirectly, take advantage or attempt to take advantage of the state of dependence or vulnerability of a person to whom professional services are offered or provided.

**14.2.** Podiatrists using information technology in providing professional services must ensure that

(1) the patient consents to the use of information technology;

(2) professional secrecy is preserved by taking all reasonable means, in particular by making sure that the patient’s identity is protected;

(3) the patient is able to use the computer application and understands the purpose and operation of the computer application; and

(4) the computer application meets the patient’s needs.”

**5.** Section 18 is replaced by the following:

“**18.** Before providing professional services, podiatrists must ensure that the patient or, where applicable, the patient’s legal representative, provides free and enlightened consent to professional services being provided, except in an emergency where consent cannot be obtained.

To that effect, podiatrists must ensure that the patient understands the information relevant to consent, which must include

(1) the nature and scope of the problem which, in their opinion, results from the patient’s condition;

(2) the advantages, inconveniences, risks and limitations of the therapeutic procedures and recommended treatment plan as well as their alternatives;

(3) the patient’s right to refuse, in whole or in part, the professional services offered and to revoke, at any time, consent, as well as the foreseeable consequences of not providing treatment;

(4) the fact that the professional services may be provided, in whole or in part, by another person;

(5) the confidentiality rules and their limitations, as well as the conditions associated with the communication of confidential information about the professional services;

(6) the approximate and expected cost of their professional fees and all other fees, as well as any cost modifications; and

(7) the mutual responsibilities of the parties, including, if applicable, agreement on the amount of professional fees and the other fees, as well as the terms and conditions of payment.

**18.1.** Podiatrists must ensure that the patient's consent remains free and enlightened throughout the professional relationship.”

**6.** The following is inserted after section 20:

“**20.1.** If professional podiatry services are provided by another person from the clinic, podiatrists must first assess the patient and establish a treatment plan.

Podiatrists must also examine the patient on each subsequent visit.

**20.2.** Podiatrists must provide the follow-up that may be required by interventions with a patient. The follow-up may be provided by another podiatrist or another health professional. In such a case, podiatrists must cooperate with the other podiatrist or health professional.”

**7.** Section 21 is amended

(1) by replacing “cease to provide professional services to patient” in the portion before paragraph 1 by “refuse to provide professional services to a patient, cease to provide professional services to a patient or reduce their accessibility”;

(2) by adding the following after paragraph 4:

“(5) abusive behaviour by the patient, which may manifest itself as harassment, threats, aggressive acts or acts of a sexual nature.”

**8.** Section 22 is replaced by the following:

“**22.** Before ceasing to provide professional services to a patient, podiatrists must give reasonable notice and ensure that the patient will be able to continue receiving the services required by the patient's health condition from another podiatrist or another health professional.

Podiatrists must also ensure that ceasing to provide services does not pose an imminent risk to the patient's health and is not unduly prejudicial to the patient.”

**9.** The following is inserted after section 31:

“**31.1.** Podiatrists acting as experts or conducting an assessment must

(1) inform the person who is the subject of the expert opinion or assessment of the identity of the recipient of the report and of the person's right to obtain a copy;

(2) refrain from obtaining information from the person that is not relevant to the expert opinion or assessment and from making comments of a similar nature to the person; and

(3) limit their report or recommendations and, if applicable, any deposition before the court solely to the relevant facts of the expert opinion or assessment.”

**10.** Section 34 is amended by adding the following paragraph at the end:

“Podiatrists must not disclose that a person used their services.”

**11.** The following is inserted after section 47:

“**47.1.** Podiatrists who claim administrative fees for an appointment missed by the patient must do so according to the conditions agreed to in advance with the patient, it being understood that the fees may not exceed the expenses incurred.”

**12.** Section 48 is replaced by the following:

“**48.** Podiatrists must handle with care any funds or property entrusted to them. They may not lend them or use them for purposes other than those for which they were entrusted to them.

Podiatrists who practise the profession within a partnership or joint-stock company must take reasonable measures to ensure that the partnership or joint-stock company complies with the requirements of the first paragraph when the property is entrusted to the partnership or joint-stock company in the performance of the professional services.”

**13.** Section 55 is amended

(1) by striking out paragraph 17;

(2) by adding the following at the end:

“(23) voluntarily and without sufficient reason abandoning a patient requiring supervision while in the course of treatment;

(24) not informing the Order if they have reason to believe that another member used funds or property for purposes other than those for which they were entrusted to the member in the practice of the member’s profession;

(25) using for their own purposes the funds or property entrusted to them in the practice of their profession, in particular using them as a personal loan or security or investing them to their own advantage, whether in their name, through an intermediary or on behalf of a legal person or partnership or joint-stock company in which they hold an interest.”

**14.** The following is inserted after section 57:

“**57.1.** Podiatrists must ensure the accuracy of the information provided to the Order.

**57.2.** Podiatrists must inform the syndic of the Order if they have reason to believe that a situation is likely to affect the competence or integrity of another member of the Order.

**57.3.** Podiatrists must inform the Order if they have reason to believe that another member of the Order, an intern, a student or any other person authorized to practise podiatry has performed an act in contravention of the Professional Code (chapter C-26), the Podiatry Act (chapter P-12) or their regulations.”

**15.** The following is inserted after section 60:

**“DIVISION IV.1  
RESEARCH**

**60.1.** Podiatrists who participate, in any way whatsoever, in a research project must first ensure that the project and any significant changes to it have been approved by a recognized research ethics committee that respects existing standards, in particular regarding its composition and procedures. They must also ensure that professional duties and obligations are made known to all persons collaborating with them on the project.

**60.2.** Before undertaking a research project, podiatrists must consider all the foreseeable consequences on the research subjects and society. To that end, podiatrists must, in particular

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

(2) ensure that the persons collaborating with them on the research project respect the physical and psychological integrity of the research subjects.

**60.3.** Podiatrists must respect a person’s right to refuse to participate in a research project or to withdraw at any time. To that end, podiatrists must refrain from pressuring a person who is likely to be eligible for such a project.

**60.4.** Podiatrists must ensure that the research subject or, where applicable, the research subject’s legal representative, is adequately informed

(1) of the research project’s objectives and the manner in which it will be conducted, the advantages, risks or disadvantages related to the person’s participation, the fact, if applicable, that the podiatrist will derive a benefit from enrolling or maintaining the participant in the research project and any other element likely to influence the participant’s consent;

(2) of the quality and reliability of the measures for the protection of the confidentiality of the information collected as part of the research project;

(3) that free and enlightened written consent must be obtained before the person begins participating in the research project or when there is any significant change in the research protocol;

(4) that the consent is revocable at any time;

(5) that clear, specific and enlightened consent must be obtained before communicating information concerning the research subject to a third person for the purposes of scientific research; and

(6) that the podiatrist intends to use, if applicable, an inadequately tested technique or treatment.

**60.5.** Podiatrists who undertake or participate, in any way whatsoever, in a research project on persons must comply with the generally accepted scientific principles and ethical standards warranted by the nature and purpose of the project.

**60.6.** Podiatrists may not participate, in any way whatsoever, in a research project that plans to offer the research subject a financial consideration with a view to encouraging participation, except the payment of a compensation for the losses incurred and the constraints endured.

**60.7.** Podiatrists who participate, in any way whatsoever, in a research project must declare their interest and disclose any situation of conflict of interest to the research ethics committee.

**60.8.** Where the carrying out of a research project is likely to cause prejudice to persons or the community, or where the research appears not to comply with generally accepted scientific principles and ethical standards, podiatrists who participate in the research must notify the research ethics committee or any other appropriate authority.

**60.9.** After having notified the research ethics committee or any other appropriate authority, podiatrists must cease any form of participation or collaboration in a research project where they have reason to believe that the risks to the health of subjects are disproportionate to the potential benefits they may derive from it or the benefits the subjects would derive from regular treatment or care.

**60.10.** Podiatrists must promote the positive impacts, for society, of the research projects in which they participate. To that end, they support 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.

In addition, podiatrists must not knowingly conceal from the persons or authorities concerned the negative findings of any research project in which they participated.”

**16.** Section 63 is replaced by the following:

“**63.** Podiatrists may not engage in or allow, by any means whatsoever, including social media, advertising that is aimed at persons who are vulnerable, in particular because of their age, their state of health, their personal condition or the occurrence of a specific event.”

**17.** Section 66 is replaced by the following:

“**66.** Podiatrists may not, in their advertising, in social media or in any public intervention, use or allow the use of an expression of support or gratitude concerning them or, where applicable, concerning the partnership or joint-stock company within which they carry on professional activities.”

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

105479

## Draft Regulation

Professional Code  
(chapter C-26)

### Podiatrists

#### — Compensation procedure of the Ordre des podiatres du Québec

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the compensation procedure of the Ordre des podiatres du Québec, made by the board of directors of the Ordre des podiatres du Québec and appearing below, is published as a draft and may be examined by the Office des professions du Québec then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation compensates claimants following the use by a podiatrist of funds or property for purposes other than those for which they were entrusted by the claimant to the podiatrist.

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

Further information on the draft Regulation may be obtained by contacting Martine Gosselin, Director General and Secretary, Ordre des podiatres du Québec, 7151, rue Jean-Talon Est, bureau 700, Montréal (Québec) H1M 3N8; telephone: 514 288-0019, extension 255, or 1 888 514-7433, extension 255; email: mgosselin@ordredespodiatres.qc.ca.

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ROXANNE GUÉVIN

Secretary

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