

code

**CODE**

**OF ETHICS**

OF NURSING ASSISTANTS

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Ordre des infirmières  
et infirmiers auxiliaires  
du Québec

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## NOTICE

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This administrative codification of the Code of Ethics of Nursing Assistants does include the amendments effective on May 28, 1998.

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Legal Service  
OIIAQ  
November 2001

# code

## CODE OF ETHICS

OF NURSING ASSISTANTS

(L.R.Q., c. C-26, a. 87)

### **DIVISION I** DEFINITIONS

#### **[ 1.01 ]**

In this Regulation, unless the context indicates otherwise, the following terms mean:

- a) "Order": l'Ordre des infirmières et infirmiers auxiliaires du Québec;
- b) "member": every person who holds a permit issued by the Order and whose name is entered on the roll of the latter.

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

#### **[ 2.01 ]**

Every member must, unless he has sound reasons to the contrary, support every measure aimed at improving the quality and availability of professional services in the field in which he practices.

#### **[ 2.02 ]**

In the practice of his profession, the member must bear in mind the general effect which his research and work may have on society.

#### **[ 2.03 ]**

The member must promote measures of education and information pertinent to the field in which he practices. Unless he has sound reasons to the contrary, he must also, in the practice of his profession, perform the necessary acts to ensure such education and information.

## **DIVISION III**

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

#### **I. - GENERAL PROVISIONS**

##### **[ 3.01.01 ]**

Before accepting a mandate, the member must bear in mind the extent of his proficiency, knowledge and the means at his disposal. He must not, in particular, administer treatment for which he is not sufficiently prepared without obtaining the necessary assistance.

##### **[ 3.01.02 ]**

The member must at all times acknowledge the patient's right to consult a colleague, a member of another professional order or another competent person.

##### **[ 3.01.03 ]**

The member must maintain the highest degree of quality in the treatment administered in the practice of his profession.

##### **[ 3.01.04 ]**

The member must at all times keep his theoretical and technical knowledge up-to-date.

##### **[ 3.01.05 ]**

The member must cooperate in every circumstance in the preservation of life, the alleviation of suffering, the treatment of disease and the promotion of health.

##### **[ 3.01.06 ]**

The member must, within the framework of his training, knowledge and experience, cooperate with the multidisciplinary medical team to ensure that patients receive the highest quality of service.

##### **[ 3.01.07 ]**

The member must not practice under conditions or in situations likely to impair the quality of his services.

##### **[ 3.01.08 ]**

The member must seek to establish a relationship of mutual trust between the patient and himself. For such purpose, the member must in particular:

- a) refrain from practicing his profession in an impersonal manner;
- b) practice his profession in a manner that respects the scale of values and the personal convictions of his patient when these are revealed to him by the latter.  
a.e., 14-04-84

### **[ 3.01.09 ]**

The member must perform only the professional acts for which he has been trained: in case of emergency, when the patient's life is in danger, he must refer that patient as quickly as possible to the persons qualified to handle such cases.

### **[ 3.01.10 ]**

The member must not interfere in the personal affairs of his patient in matters that do not fall within the generally recognized competence of the profession, so as not to unduly restrict his patient's autonomy.

## **2. - INTEGRITY**

### **[ 3.02.01 ]**

The member must carry out his professional duties with integrity.

### **[ 3.02.02 ]**

The member must avoid any false representation with respect to his level of competence or the efficiency of his own services and of those generally provided by the members of his profession. If the good of the patient so requires, he must consult a colleague, a member of another professional order or another competent person, or send his client to one of these persons.

### **[ 3.02.03 ]**

The member must refrain from expressing his opinions or giving contradictory or incomplete advice. To this end he must endeavour to have full knowledge of the facts before expressing an opinion or giving advice.

### **[ 3.02.04 ]**

The member must take reasonable care of the property entrusted to him by a patient and may not lend or use it for purposes other than those for which it was entrusted to him.

### **3. - AVAILABILITY AND DILIGENCE**

#### **[ 3.03.01 ]**

In the practice of his profession, the member must display reasonable availability and diligence.

#### **[ 3.03.02 ]**

The member must, in the practice of his profession, fully commit his personal civil liability. He is thus prohibited from entering in a contract of professional services a clause directly or indirectly excluding, in whole or in part, the said liability.

#### **[ 3.03.03 ]**

In addition to opinion and advice, the member must, within the limits of his competence, provide his patient with any explanation necessary to the understanding and evaluation of the services rendered to him.

#### **[ 3.03.04 ]**

The member must be objective and impartial when persons likely to become his patients ask him for information.

#### **[ 3.03.05 ]**

Unless he has sound and reasonable grounds to the contrary, a member may not cease to act for the account of a patient. The following shall, in particular, constitute sound and reasonable grounds:

- a) loss of the patient's confidence;
- b) the fact that the member is in a situation of conflict of interest or in a situation such that his professional independence could be called in question;
- c) inducement by the patient to perform illegal, unfair or fraudulent acts.

#### **[ 3.03.06 ]**

Before terminating his care of a patient, the member must forward an advanced notice of withdrawal within a reasonable time and ensure that such termination of service is not prejudicial to his patient.

## **4. - INDEPENDENCE AND IMPARTIALITY**

### **[ 3.04.01 ]**

The member must subordinate his personal interest to that of his patient.

### **[ 3.04.02 ]**

The member must ignore any intervention by a third party which could have an effect on the performance of his professional duties to the detriment of his patient.

### **[ 3.04.03 ]**

The member must at all times safeguard his professional independence and avoid any situation in which he would be in conflict of interest. Without restricting the generality of the foregoing, a member:

- a) is in conflict of interest when the interests in question are such that he might tend to favour some of them over those of his patient or where his judgement and his loyalty towards the latter might be unfavourably affected:
- b) is not an objective adviser if he derives a direct or indirect, real or possible, benefit from any given act.

### **[ 3.04.04 ]**

As soon as he ascertains that he is in a situation of conflict of interest, the member must notify his patient thereof and ask him for authorization to continue his mandate.

### **[ 3.04.05 ]**

A member shall not pay or receive any commission relative to the exercise of his profession.

### **[ 3.04.06 ]**

A member shall not share his fees with a person who is not a member of the Order or remit such fees to him.

### **[ 3.04.07 ]**

A member may share his fees with a colleague only to the extent that such sharing corresponds to a distribution of services and responsibility.

### **[ 3.04.08 ]**

For a given service, the member must only accept fees from a single source, unless explicitly agreed upon otherwise

among all the parties concerned. He must accept the payment of these fees only from his patient or the latter's representative.

## **5. - PROFESSIONAL SECRECY**

### **[ 3.05.01 ]**

A member must respect the secrecy of all confidential information obtained in the practice of his profession.

### **[ 3.05.02 ]**

The member may be released from professional secrecy only with the authorization of his patient or when so ordered by law.

### **[ 3.05.03 ]**

When a member asks a patient to give him confidential information or when he allows such information to be given to him, he must ensure that the patient is fully aware of the object of the conversation and of the various uses which can be made of such information.

### **[ 3.05.04 ]**

Unless the nature of the case so requires, the member must not disclose the fact that his services have been requested by a person.

### **[ 3.05.05 ]**

The member must avoid indiscreet conversations concerning a patient and the services rendered to him.

### **[ 3.05.06 ]**

The member shall not make use of confidential information to the prejudice of a patient or with a view to obtaining a direct or indirect benefit for himself or for another person.

## **6. - ACCESSIBILITY OF RECORDS**

### **[ 3.06.01 ]**

The member must respect the right of his patient to consult the documents which concern him in every record made in his regard by that member and to obtain a copy of such documents.

However, when his services are required upon prescription by a person who is a member of another professional order, the member shall allow the patient concerned to consult the documents in his record only with the authorization of the professional who has so requested his services.

## **7. - DETERMINATION AND PAYMENT OF FEES**

### **[ 3.07.01 ]**

The member must charge and accept fair and reasonable fees.

### **[ 3.07.02 ]**

Fees are fair and reasonable if they are warranted by the circumstances and proportionate to the services rendered. In determining his fees, the member must in particular take the following factors into account:

- a) the time given to the carrying out of the professional service;
- b) the complexity and importance of the service;
- c) the performance of unusual services or services requiring exceptional competence or celerity.

### **[ 3.07.03 ]**

The member must provide his patient with all the explanations necessary to the understanding of his statement of fees and the terms and conditions of payment.

### **[ 3.07.04 ]**

The member must refrain from demanding advance payment for his services; he must, on the other hand, notify his client of the approximate cost of his services.

### **[ 3.07.05 ]**

The member may collect interest on outstanding accounts only after having duly notified his patient. The interest thus demanded must be at a reasonable rate.

### **[ 3.07.06 ]**

Before having recourse to legal proceedings, the member must have exhausted all the other means at his disposal to obtain payment of his fees.

### **[ 3.07.07 ]**

The member must not sell his accounts, except to a colleague.

### **[ 3.07.08 ]**

When a member appoints another person to collect his fees, he must ensure as much as possible that the latter will act with tact and moderation.

## **DIVISION IV**

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

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#### **I. - ACTS DEROGATORY TO THE DIGNITY OF THE PROFESSION**

##### **[ 4.01.01 ]**

In addition to the acts referred to in section 59 of the Professional Code, an act referred to in section 59.1 of that Code and any act determined pursuant to paragraph 1 of the second paragraph of section 152 of that Code, the following acts are derogatory to the dignity of the profession:

- a) undue solicitation of clientele, whether directly or indirectly;
- b) directly or indirectly allowing the title of nursing assistant to be used illegally;
- c) to enter false items in a patient's record or to insert notes under another person's signature;
- d) to alter in the patient's record notes already entered or to replace any part thereof with intent to falsify them;
- e) personally making excessive use of narcotics, controlled drugs, psychotropic substances including alcohol or any other product which could affect his faculties during the performance of his duties;
- f) the unwarranted dispensing to a patient of narcotics, controlled drugs, psychotropic substances including alcohol, or any product which could affect the patient's health;
- g) to appropriate narcotics, controlled drugs, psychotropic substances including alcohol, supplies of any kind or any other property belonging to his employer or a patient;
- h) favouring a patient to the detriment of other patients for his own personal gain;
- i) refusing to give professional information to a member of the multidisciplinary team or, as the case may be, to any competent person who so requests in the performance of his duties and when the needs of his patient so require;

- j) communicating, without the prior written authorization of the syndic or assistant syndic, with a person who requested an inquiry or any person assisting him within the meaning of section 122.2 of the Code or with a witness summoned by the complainant pursuant to section 146 of the Code, where the nursing assistant is informed that he is the subject of an inquiry by the syndic of the Order; or an assistant syndic, pursuant to section 122 of the Professional Code or where notice of a complaint has been served on him in accordance with section 132 of the Code; a.e., 28-05-98
- k) voluntarily leaving without sufficient reason a patient requiring supervision or refusing without sufficient reason to provide care and not making sure that competent relief will take over where the nursing assistant can reasonably ensure such relief; a.e., 28-05-98
- l) performing an act or behaving in a way that is contrary to what is generally admitted in the practice of the profession. a.e., 28-05-98

## **2. - RELATIONS WITH THE ORDER AND COLLEAGUES**

### **[ 4.02.01 ]**

A member whose participation in a council for the arbitration of accounts, a committee on discipline or a professional inspection committee is requested by the Order; must accept that duty unless he has exceptional reasons for refusing it.

### **[ 4.02.02 ]**

A member must promptly reply to any correspondence from the secretary of the Order; the syndic of the Order; the assistant syndic or the corresponding syndic, an expert appointed by the syndic, the Order's professional inspection committee or a member; an investigator; an expert or an inspector of that committee.

a.e., 28-05-98

### **[ 4.02.03 ]**

A member shall not abuse a colleague's good faith or be guilty of breach of trust or disloyal practices towards him.

### **[ 4.02.04 ]**

When a member is consulted by a colleague, he must give the latter his opinion and his recommendations as promptly as possible.

#### [ 4.02.05 ]

A member who is called upon to cooperate with a colleague must maintain his professional independence. He may ask to be excused from doing any task requested of him that is contrary to his conscience or his principles.

### **3. - CONTRIBUTION TO THE ADVANCEMENT OF THE PROFESSION**

#### [ 4.03.01 ]

A member must, as far as he is able, contribute to the development of his profession through the exchange of his knowledge and experience with his colleagues and students and by his participation in courses and continuing training periods.

## **DIVISION V**

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### **CONDITIONS, OBLIGATIONS AND RESTRICTIONS RESPECTING ADVERTISING**

a.e., 28-05-98

#### [ 5.01.01 ]

A member must use his name and professional title in all advertising.

#### [ 5.01.02 ]

Any advertising by a member must be of such a nature as to adequately inform persons who have no particular knowledge of the field referred to in the advertisement.

#### [ 5.01.03 ]

A member may not, in any way whatsoever, engage in or allow the use of advertising that is likely to unduly influence persons who may be physically or emotionally vulnerable because of their age, state of health or the occurrence of a specific event.

#### [ 5.01.04 ]

A member must avoid all advertising that is likely to tarnish the image of the profession or to impart to it a profit-seeking or commercial character.

#### [ 5.01.05 ]

A member must by no means engage in or allow the use of advertising that is false, incomplete, misleading or likely to mislead as to the professional services he provides or will be required to provide.

#### **[ 5.01.06 ]**

A member may not advertise miraculous treatment or care the scientific value or effectiveness of which is not recognized.

#### **[ 5.01.07 ]**

A member may not claim to possess specific qualities or skills in his advertising, particularly regarding the efficiency or scope of his services or of those generally provided by the other members of his profession or regarding his competence, unless he can substantiate such claim.

In his advertising, a member may not attribute specific advantages or performance to products or services, claim that financial advantages will result from the acquisition or use of products or services or that they comply with an established standard, unless he can substantiate such claim.

#### **[ 5.01.08 ]**

A member may not in his advertising compare the quality of his services to the services rendered or that can be rendered by other members, nor may he discredit or denigrate the services rendered or that can be rendered by other members.

#### **[ 5.01.09 ]**

A member, in his advertising, may not use or allow the use of an endorsement or statement of gratitude he has received.

The first paragraph does not prevent a member from mentioning in his advertising an award for excellence or other prize in recognition of a special contribution or achievement.

#### **[ 5.01.10 ]**

A member who advertises costs or fees must:

- 1) establish fixed amounts;
- 2) specify the services included in those amounts;
- 3) indicate whether disbursements are included in the amounts;
- 4) indicate whether additional services are required and if they are included in the amounts.

All fixed amounts must remain in force for at least 30 days after the date on which the advertisement was last broadcast or published.

A member may however agree to an amount that is lower than that broadcast or published.

### [ 5.01.11 ]

A member who uses the graphic symbol of the Order for advertising purposes other than business cards must include the following warning in the advertisement:

"This advertisement does not originate from and does not commit the liability of the Ordre des infirmières et infirmiers auxiliaires du Québec."

### [ 5.01.12 ]

A member who uses the graphic symbol of the Order for advertising purposes, including business cards, may neither juxtapose the name of the Order with the symbol nor use its name in any other way, except to indicate that he is a member of the Order.

### [ 5.01.13 ]

A member must keep a complete copy, in paper or electronic form, of any advertisement for at least five years following the date it was last broadcast or published. That copy must be provided to the syndic of the Order upon request.

## **DIVISION VI**

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### USE OF GRAPHIC SYMBOL OF THE ORDER

#### [ 6.01.01 ]

A member who reproduces the graphic symbol of the Order for any purpose whatsoever must insure that it matches in every respect the original held by the secretary of the Order.

## **DIVISION VII**

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### FINAL DISPOSITION

#### [ 7.01.01 ]

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

In accordance with section 10 of the *Act to amend the Professional Code and various Acts constituting professional corporations with respect to professional advertising and certain registers* (1990, c. 76), the *Regulation respecting advertising by nursing assistants* (R.R.Q., 1981, c. C-26, r. 119) ceases to have effect on the date of coming into force of this Regulation.



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