

chapter C-26, r. 216

Regulation respecting the records of a psychologist who ceases to practise

Professional Code
(chapter C-26, s. 91).

TABLE OF CONTENTS

DIVISION I	
GENERAL PROVISIONS.....	1.01
DIVISION II	
PERMANENT CESSATION OF PRACTICE.....	2.01
DIVISION III	
TEMPORARY CESSATION OF PRACTICE.....	3.01
DIVISION IV	
FINAL PROVISION.....	4.01

DIVISION I

GENERAL PROVISIONS

1.01. In this Regulation, unless the context indicates otherwise,

(a) “Order” means the Ordre professionnel des psychologues du Québec;

(b) “psychologist” means whoever is entered on the roll of the Order;

(c) “secretary” means the secretary of the Order;

(d) “records” means the records, books and registers that a psychologist must keep in the practice of his profession;

(e) “transferee” means the psychologist to whom are transferred the records of a psychologist upon the latter’s permanent cessation of practice;

(f) “provisional custodian” means the psychologist to whom are entrusted the records of a psychologist during the latter’s temporary cessation of practice.

Decision 82-02-19, s. 1.01.

1.02. The Interpretation Act (chapter I-16) applies to this Regulation.

Decision 82-02-19, s. 1.02.

1.03. Nothing in this Regulation shall be interpreted as excluding the use of data processing or any other technical means for the preservation of records, provided their confidentiality is respected.

Decision 82-02-19, s. 1.03.

1.04. In the case of a psychologist who is a member or an employee of a partnership of psychologists or an employee of a natural or legal person, this Regulation shall not apply to the records of such partnership or employer used by the psychologist in the practice of his profession. This Regulation shall, however, apply when all the members of a partnership of psychologists cease to practise.

Decision 82-02-19, s. 1.04.

1.05. An agreement respecting the transfer or provisional custody of the records of a psychologist who ceases to practise must be certified in writing and sent to the secretary.

Decision 82-02-19, s. 1.05.

DIVISION II

PERMANENT CESSATION OF PRACTICE

2.01. Subject to sections 2.02 and 2.03, where a psychologist ceases permanently to practise his profession, he must, not later than 15 days prior to the date fixed for the cessation of his practice:

(a) if he has found a transferee, notify the secretary by registered mail that he will cease to practise his profession effective from such date, and give him the name, address and telephone number of the transferee; or

(b) if he has not found a transferee, inform the secretary thereof by registered mail and notify him that he will give him custody of his records on the date fixed for the cessation of his practice.

Decision 82-02-19, s. 2.01; I.N. 2016-01-01 (NCCP).

2.02. Where a psychologist ceases to practise his profession as a result of his being permanently struck off the roll, the secretary must ensure that the psychologist who is struck off finds a transferee within 60 days of the final decision regarding the striking off.

If a transferee has not been found upon the expiry of that period, the records of the psychologist who has been struck off shall be entrusted to the secretary.

Decision 82-02-19, s. 2.02.

2.03. Upon the death of a psychologist, the secretary must, as soon as he is notified thereof, ensure that the successors of the psychologist find a transferee as quickly as possible.

Decision 82-02-19, s. 2.03.

2.04. The transferee or the secretary, as the case may be, must, within 30 days following the date on which he takes possession of the records of a psychologist who ceases permanently to practise:

- (a) notify, in writing, the clients of the psychologist:
 - i. of the fact that he is in possession of the latter's records;
 - ii. of his address, telephone number and business hours; and
 - iii. of their right to consult another psychologist;

(b) cause to be published twice, at an interval of 10 days, in at least one French language daily newspaper and, where applicable, in at least one English language daily newspaper, circulated in the region in which that psychologist practised his profession, an advertisement indicating his address, telephone number and business hours and notifying the public that he is in possession of that psychologist's records.

The transferee must forward a copy of the advertisement referred to in paragraph *b* of the first paragraph to the secretary.

Decision 82-02-19, s. 2.04.

2.05. The transferee or the secretary, as the case may be, must respect the right of a person to consult the documents concerning him in any record made in his regard and to obtain copies of such documents. The fees for obtaining such copies shall be paid by the person who makes the request.

Decision 82-02-19, s. 2.05.

2.06. Where the secretary has custody of the records of a psychologist who has ceased permanently to practise his profession, he may at any time, after consulting that psychologist, entrust the records to a transferee.

Decision 82-02-19, s. 2.06.

2.07. While he has custody of the records of a psychologist who has ceased permanently to practise his profession, the secretary must take the necessary preservation measures in order to safeguard the interests of that psychologist's clients.

Decision 82-02-19, s. 2.07.

2.08. Subject to section 2.06, the secretary must retain for a minimum period of 5 years the records he has received pursuant to this Division.

Decision 82-02-19, s. 2.08.

DIVISION III

TEMPORARY CESSATION OF PRACTICE

3.01. Subject to section 3.02, where a psychologist ceases temporarily to practise his profession, he must, not later than 15 days prior to the date fixed for the cessation of his practice:

(a) if he has found a provisional custodian, notify the secretary by registered mail that he will cease temporarily to practise his profession effective from such date, and give him the date on which he intends to resume practising his profession together with the name, address and telephone number of the provisional custodian; or

(b) if he has not found a provisional custodian, inform the secretary thereof by registered mail and notify him that he will give him custody of the records on the date fixed for the cessation of his practice.

Decision 82-02-19, s. 3.01; I.N. 2016-01-01 (NCCP).

3.02. Where a psychologist ceases to practise his profession as a result of his being temporarily struck off the roll, the secretary must ensure that the psychologist who is struck off finds a provisional custodian within 15 days of the expiry of the time for appeal or of the final decision regarding the striking off.

If a provisional custodian has not been found upon the expiry of that period, the records of the psychologist who is struck off shall be entrusted to the secretary.

Decision 82-02-19, s. 3.02.

3.03. The provisional custodian must communicate to the clients of the psychologist whose records he has custody of, the pertinent information respecting the progress of their record, keep such records up to date and take the other necessary preservation measures in order to safeguard the interests of that psychologist's clients.

Decision 82-02-19, s. 3.03.

3.04. Section 2.04 applies, with the necessary modifications, to this Division except in the case where a psychologist ceases to practise as a result of a temporary striking off lasting under 6 months.

Decision 82-02-19, s. 3.04.

3.05. Sections 2.05 to 2.07 apply, with the necessary modifications, to this Division.

Decision 82-02-19, s. 3.05.

3.06. The secretary or provisional custodian, as the case may be, must return the records to the psychologist immediately upon termination of the period of temporary cessation of practice.

Decision 82-02-19, s. 3.06.

3.07. A psychologist who no longer wishes to resume practising his profession during or after the expiry of the period in which he has temporarily ceased to practise, must comply with Division II.

Decision 82-02-19, s. 3.07.

DIVISION IV

FINAL PROVISION

4.01. *(Omitted).*

Decision 82-02-19, s. 4.01.

UPDATES
Decision 82-02-19, 1982 G.O.2, 1512

