

chapter C-26, r. 243

**Code of ethics of the members of the Ordre professionnel des technologistes médicaux du Québec**

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

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## CHAPTER I

### GENERAL

**1.** This Code determines, pursuant to section 87 of the Professional Code (chapter C-26), the duties and obligations to be discharged by every member of the Ordre professionnel des technologistes médicaux du Québec.

O.C. 1014-98, s. 1; O.C. 1129-2012, s. 1.

## CHAPTER II

### DUTIES TOWARDS CLIENTS, THE PROFESSION AND THE PUBLIC

#### DIVISION I

##### COMPETENCE AND INTEGRITY

**2.** A medical technologist shall carry out his professional duties with competence, integrity and based on the interest of his or her clients.

O.C. 1014-98, s. 2; O.C. 1129-2012, s. 2.

**3.** A medical technologist shall practise his profession in accordance with the generally recognized standards of practice and, to that end, he shall, in particular, keep up-to-date and improve his knowledge.

O.C. 1014-98, s. 3.

**4.** A medical technologist shall take into account the limitations of his qualifications and the means at his disposal. If the interest of the client so requires, the medical technologist must consult another member of the Order, a member of another professional order or any other competent person, or refer the client to one of those persons.

O.C. 1014-98, s. 4; O.C. 1129-2012, s. 3.

**5.** In addition to the provisions of section 54 of the Professional Code (chapter C-26), a medical technologist shall refrain from practising his profession or from performing certain professional acts in conditions or in a state liable to compromise the quality of his services.

O.C. 1014-98, s. 5.

**6.** A medical technologist shall refrain from conveying erroneous or incomplete results.

Before conveying results, he shall ensure that the quality controls generally recognized as necessary have been carried out.

Where a medical technologist must submit reports that he knows to be incomplete or preliminary or where he doubts the reliability of certain items therein, he shall so notify the professional who requested them.

O.C. 1014-98, s. 6.

**7.** A medical technologist shall not act alone in making an examination liable to disturb a client's condition in such a way that the assistance of another person might be required to remedy the situation.

O.C. 1014-98, s. 7.

**8.** A medical technologist shall respect the life of a client. He may not refuse to provide his professional services where a client's life is in danger.

O.C. 1014-98, s. 8.

**9.** A medical technologist shall bear in mind all the foreseeable consequences which his research and work may have on society.

O.C. 1014-98, s. 9.

**10.** A medical technologist shall, unless he has sound reasons to the contrary, support every measure likely to improve the availability and quality of professional services in the field in which he practises.

O.C. 1014-98, s. 10.

**11.** A medical technologist shall promote measures of education and information in the field in which he practises. He shall also, unless he has sound reasons to the contrary, do what is required to ensure such education and information relative to the field.

O.C. 1014-98, s. 11.

## **DIVISION II**

### **BEHAVIOUR**

**12.** A medical technologist shall exhibit irreproachable behaviour.

He shall, in particular, act with courtesy, dignity, moderation and objectivity.

O.C. 1014-98, s. 12.

## **DIVISION III**

### **IMPARTIALITY AND INDEPENDENCE**

**13.** A medical technologist shall subordinate his personal interest to that of the client.

O.C. 1014-98, s. 13.

**14.** A medical technologist shall, at all times, safeguard his professional independence. He shall, in particular, ignore any intervention by a third party which could affect the carrying out of his professional obligations to the detriment of his client.

O.C. 1014-98, s. 14.

**15.** Except for the remuneration to which he is entitled, a medical technologist shall refrain from receiving any benefit, commission or discount relating to the practice of his profession. Nor shall he pay, offer to pay or agree to pay such benefit, commission or discount.

O.C. 1014-98, s. 15.

## **DIVISION IV**

### **DILIGENCE AND AVAILABILITY**

**16.** A medical technologist shall demonstrate reasonable diligence and availability.

O.C. 1014-98, s. 16.

**17.** A medical technologist consulted by another member of the Order by reason of his particular competence on a given matter shall provide the latter with his opinion and recommendations as promptly as possible.

O.C. 1014-98, s. 17.

## **DIVISION V**

### **FEES**

**18.** A medical technologist shall charge fair and reasonable fees.

Fees are considered fair and reasonable if they are warranted by the circumstances and are in proportion to the professional services provided.

O.C. 1014-98, s. 18.

**19.** To determine the amount of his fees, a medical technologist shall, in particular, take the following factors into account:

- (1) his experience;
- (2) the time required for the performance of the professional service;
- (3) the complexity and scope of the professional service; and
- (4) the provision of unusual professional services or professional services requiring exceptional speed or competence.

O.C. 1014-98, s. 19.

**20.** A medical technologist may share his fees with another member of the Order only to the extent that such sharing corresponds to a distribution of the responsibilities and services.

O.C. 1014-98, s. 20.

## **DIVISION VI**

### **LIABILITY**

**21.** A medical technologist shall commit his full personal civil liability.

He is prohibited from inserting in a contract for professional services a clause that directly or indirectly excludes all or part of such liability. He may not sign a contract having such a clause.

O.C. 1014-98, s. 21.

## **DIVISION VII**

### **INFORMATION, CHOICE AND CONSENT OF THE CLIENT**

O.C. 1014-98, Div. VII; O.C. 1129-2012, s. 4.

**22.** A medical technologist shall, at all times, recognize the right of the client or the client's legal representative to consult another member of the Order, a member of another professional order or any other

competent person. The medical technologist must not, by any means, interfere with the client's freedom of choice.

O.C. 1014-98, s. 22; O.C. 1129-2012, s. 5.

**23.** A medical technologist must, except in an emergency, obtain free and enlightened consent from the client or the client's legal representative before undertaking any action.

O.C. 1014-98, s. 23; O.C. 1129-2012, s. 6.

**24.** A medical technologist shall provide a client or the client's legal representative with, in addition to opinions and advice, the explanations necessary for the evaluation and understanding of the professional services he is providing.

O.C. 1014-98, s. 24; O.C. 1129-2012, s. 7.

**24.1.** A medical technologist must declare in writing, to the service head or the director of the laboratory or, where there is no service head or director of the laboratory, to a person designated by them, any incident, accident or non-compliant process that could be detrimental to the adequate conduct of the analysis, accuracy of the result, diagnosis, therapeutic follow-up and health of the client.

O.C. 1129-2012, s. 8.

## **DIVISION VIII**

### **ACTS DEROGATORY TO THE DIGNITY OF THE PROFESSION**

**25.** The following acts, in addition to those covered by section 59 of the Professional Code (chapter C-26), the act mentioned in section 59.1 of the Code and those that may be determined pursuant to subparagraph 1 of the second paragraph of section 152 of the Code, are derogatory to the dignity of the profession:

(1) practising the profession of medical technologist while under the influence of alcoholic beverages, hallucinogens, anaesthetics, narcotics, drugs or any other substance causing reduced or disturbed faculties, unconsciousness or intoxication;

(2) submitting an analysis or examination report that the medical technologist knows to be false;

(3) designating one of his employees or partners as a medical technologist, where the person is not entered on the roll of the Order, or allowing such person to be so designated;

(4) not informing the secretary of the Order, within the period fixed by section 59.3 of the Professional Code, that he is or has been the subject of a judicial or disciplinary decision referred to in section 55.1 of the Code;

(5) failing to notify the Order or allowing that activities reserved for medical technologists are carried out by a person who is not authorized to practise the profession;

(6) failing to notify the Order of the incompetence of a medical technologist or the practice of the profession in a detrimental manner;

(7) communicating with the complainant without the prior written permission from the syndic or assistant syndic, where the medical technologist is informed of an inquiry into his or her professional conduct or competence or where the medical technologist has received notice of a complaint against him or her;

(8) intimidating a person or taking reprisals or threatening to take reprisals against any person who

(a) has reported derogatory behaviour or conduct or intends to do so; or

(b) has taken part or cooperated in an inquiry into derogatory conduct or behaviour or intends to do so.

O.C. 1014-98, s. 25; O.C. 1129-2012, s. 9.

## **DIVISION IX**

### **PROVISIONS TO PRESERVE THE SECRECY OF CONFIDENTIAL INFORMATION**

**26.** For the purposes of preserving the secrecy of confidential information that becomes known to him in the practice of his profession, a medical technologist

(1) shall avoid indiscreet conversations concerning a client or the services provided to a client;

(2) shall refrain from making use of confidential information to the detriment of a client or with a view to obtaining, directly or indirectly, a benefit for himself or another person;

(3) may consider that the medical technologist is released from professional secrecy with the written or express authorization of the client or where so ordered or expressly authorized by law;

(4) must refrain from using his or her position to have access to information irrelevant to the practice of the profession in the record of clients.

O.C. 1014-98, s. 26; O.C. 1129-2012, s. 10.

## **DIVISION IX.1**

### **LIFTING OF PROFESSIONAL SECRECY TO PROTECT INDIVIDUALS**

O.C. 945-2003, s. 1.

**26.1.** A medical technologist may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the medical technologist has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

However, the medical technologist may only communicate the information to a person exposed to the danger or that person's representative, or to the persons who can come to that person's aid. The medical technologist may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

If it is in the best interests of the person or persons exposed to the danger, the medical technologist shall consult another member of the order, a member of another professional order or any other qualified person provided the consultation will not prejudicially delay the communication of the information.

O.C. 945-2003, s. 1.

**26.2.** A medical technologist must enter in the client's record as soon as possible

(1) the reasons supporting the decision to communicate the information; and

(2) the subject of the communication, the mode of communication, the name of any person to whom the information was given and the date and time.

O.C. 945-2003, s. 1.

## DIVISION X

### ACCESSIBILITY AND RECTIFICATION OF RECORDS

O.C. 1014-98, Div. X; O.C. 1129-2012, s. 11.

#### § 1. — *General*

**27.** A medical technologist may require that a request covered by section 29, 32 or 35 be made and the duty be practised at his professional domicile during his regular working hours.

O.C. 1014-98, s. 27.

**28.** Where failing to reply within 20 days upon receiving a request covered by section 29 or 32, a medical technologist is deemed to have refused to grant it.

O.C. 1014-98, s. 28.

#### § 2. — *Conditions and procedure applicable to the exercise of the right of access provided for in section 60.5 of the Professional Code*

**29.** In addition to the particular rules prescribed by law, a medical technologist shall promptly follow up, at the latest within 20 days upon its receipt, on any request made by the client whose purpose is

- (1) to examine the documents concerning him in any record established in his respect;
- (2) to obtain a copy of the documents concerning him in any record established in his respect.

O.C. 1014-98, s. 29.

**30.** A medical technologist may only charge reasonable fees not exceeding the cost for reproducing or transcribing documents or the cost for forwarding a copy, in respect of a request covered by paragraph 2 of section 29.

A medical technologist requesting such fees shall, before proceeding with reproducing, transcribing or forwarding the information, inform the client of the approximate amount he will have to pay.

O.C. 1014-98, s. 30.

**31.** A medical technologist who, pursuant to the second paragraph of section 60.5 of the Professional Code (chapter C-26), refuses to allow a client access to the information contained in a record established in his respect, shall inform the client in writing that the disclosure would be likely to cause serious harm to the client or to a third person.

He must also, in the same document, identify the serious harm to the client or to the third person.

O.C. 1014-98, s. 31.

#### § 3. — *Conditions and procedure applicable to the exercise of the right of correction provided for in section 60.6 of the Professional Code*

**32.** In addition to the particular rules prescribed by law, a medical technologist shall promptly follow up, at the latest within 20 days upon its receipt, on any request made by a client whose purpose is:

- (1) to cause to be corrected any information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected, contained in a document concerning him in any record established in his respect;



(2) to cause to be deleted any information that is outdated or not justified by the object of the record established in his respect; or

(3) to file in the record that concerns him the written comments that he prepared.

O.C. 1014-98, s. 32.

**33.** A medical technologist who grants a request covered by section 32 shall issue to the client, free of charge, a copy of the document or the part of the document that allows the client to see for himself that the information was corrected or deleted or, as the case may be, an attestation that the written comments prepared by the client were filed in the record.

O.C. 1014-98, s. 33.

**34.** Upon written request from the client, a medical technologist shall forward a copy, free of charge, of the corrected information or an attestation that the information was deleted or, as the case may be, that written comments were filed in the record to any person from whom the medical technologist received the information that was subject to the correction, deletion or comments as well as to any person to whom the information was provided.

O.C. 1014-98, s. 34.

§ 4. — *Provisions concerning a medical technologist's obligation to release documents to the client*

**35.** A medical technologist must promptly follow up on any written request made by a client, whose purpose is to take back a document entrusted to him by the client.

A medical technologist shall indicate in the client's record, where applicable, the reasons to support the client's request.

O.C. 1014-98, s. 35.

## **DIVISION XI**

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

**36.** A medical technologist shall have his name and professional title appear in his advertisement.

O.C. 1014-98, s. 36.

**37.** A medical technologist may not engage in, or allow the use of, by any means whatsoever, advertising that is false, incomplete, misleading or liable to mislead.

O.C. 1014-98, s. 37.

**38.** A medical technologist who, in his advertising, claims to possess particular skills or qualities, particularly in respect of the effectiveness or extent of his services and those generally ensured by other members of his profession, in respect of the exactness and accuracy of the results he provides or of his level of competence, shall be able to substantiate such claim.

A medical technologist who, in his advertising, ascribes particular advantages to a product or service or certain performance characteristics, claims that a pecuniary benefit will result from the acquisition or use of a product or service or claims that a product or service complies with determined standards shall be able to substantiate such claims.

O.C. 1014-98, s. 38.

**39.** In the practice of his profession, a medical technologist may not use advertising practices liable to denigrate or discredit any person he has dealings with, in particular another member of the Order or a member of another professional order.

O.C. 1014-98, s. 39.

**40.** A medical technologist who advertises a lump-sum fee shall:

- (1) establish a price;
- (2) indicate the period during which the lump-sum fee is in effect;
- (3) specify the nature and extent of the professional services included in the fee; and
- (4) indicate, where applicable, that additional professional services not included in the fee might be required.

A medical technologist shall word the information and details so that persons who have no particular knowledge of medical technology or professional services covered by the advertising be reasonably informed.

A medical technologist may, however, agree with a client upon a price lower than the price broadcast or published.

O.C. 1014-98, s. 40.

**41.** A medical technologist shall keep a complete copy of every advertisement in its original form for at least 5 years following the date on which it was last authorized to be broadcast or published. The copy must be given to the syndic of the Order upon request.

O.C. 1014-98, s. 41.

**42.** A medical technologist who uses the graphic symbol of the Order in his advertising, except on a business card, shall include the following notice:

“This is not an advertisement of the Ordre professionnel des technologistes médicaux du Québec and therefore the liability of the Order is not incurred.”.

O.C. 1014-98, s. 42.

## **DIVISION XII**

### **RELATIONS WITH THE ORDER AND THE OTHER PERSONS A MEDICAL TECHNOLOGIST HAS DEALINGS WITH IN THE PRACTICE OF HIS PROFESSION**

**43.** A medical technologist whom the board of directors or the executive committee of the Order requests to be a member of the professional inspection committee, the disciplinary council, the review committee made under section 123.3 of the Professional Code (chapter C-26) or the council for the arbitration of accounts made pursuant to the provisions of the Regulation made under section 88 of the Code, shall accept that duty unless he has exceptional reasons for refusing it.

O.C. 1014-98, s. 43.

**44.** A medical technologist shall reply promptly to all correspondence sent by the secretary of the Order, by the syndic of the Order or the assistant syndic or an equivalent syndic, as well as by a member of the professional inspection committee, an investigator or an inspector of the committee.

O.C. 1014-98, s. 44.

**45.** A medical technologist shall cooperate with any person he has dealings with in the practice of his profession, in particular with the other members of the Order and the members of other professional orders and shall endeavour to establish and maintain harmonious relations.

O.C. 1014-98, s. 45.

**46.** A medical technologist shall not, with respect to any person he has dealings with in the practice of his profession, in particular another member of the Order or a member of another professional order, breach his trust, voluntarily mislead him, betray his good faith or use unfair practices.

He shall not take credit for work performed by another person, particularly by another member of the Order.

O.C. 1014-98, s. 46.

### **DIVISION XIII**

#### **CONTRIBUTION TO THE DEVELOPMENT OF THE PROFESSION**

**47.** A medical technologist shall, insofar as possible, contribute to the development of the profession by sharing his knowledge and experience with the other members of the Order and students and by participating in activities, courses and continuing training periods organized for medical technologists by the Order or any other authority offering training recognized by the Order.

O.C. 1014-98, s. 47; O.C. 1129-2012, s. 12.

### **DIVISION XIV**

#### **REPRODUCTION OF THE GRAPHIC SYMBOL OF THE ORDER**

**48.** A medical technologist who, for any purpose whatsoever, reproduces the graphic symbol of the Order shall ensure that the reproduction is true to the original held by the secretary of the Order.

O.C. 1014-98, s. 48.

### **CHAPTER III**

#### **FINAL**

**49.** This Regulation replaces the Code of ethics of medical technologists (R.R.Q., 1981, c. C-26, r. 169).

O.C. 1014-98, s. 49.

**50.** *(Omitted).*

O.C. 1014-98, s. 50.

#### **UPDATES**

O.C. 1014-98, 1998 G.O. 2, 3672  
O.C. 945-2003, 2003 G.O. 2, 2917  
S.Q. 2008, c. 11, s. 212  
O.C. 1129-2012, 2012 G.O. 2, 3454

