



© Éditeur officiel du Québec
This document is not the official version.

Latest version available
Including the Gazette officielle of 1 May 2009

c. T-5, r.4.01

Code of ethics of radiology technologists

Radiology Technologists Act

(R.S.Q., c. T-5)

Professional Code

(R.S.Q., c. C-26, s. 87)

CHAPTER 0.I

GENERAL

O.C. 434-2009, s. 1.

0.1. This Code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties that must be discharged by a radiology technologist, regardless of the context or manner in which a radiology technologist carries on his professional activities or the nature of his contractual relationship with clients.

O.C. 434-2009, s. 1.

0.2. A radiology technologist shall comply with the Radiology Technologists Act (R.S.Q., c. T-5), the Professional Code (R.S.Q., C-26) and their regulations.

A radiology technologist shall take reasonable measures to ensure compliance with the Radiology Technologists Act, the Professional Code and their regulations by any person other than a radiology technologist who collaborates with him in the carrying on of his professional activities and any partnership or joint-stock company within which the radiology technologist carries on his professional activities.

O.C. 434-2009, s. 1.

0.3. A radiology technologist's duties and obligations under the Radiology Technologists Act (R.S.Q., c. T-5), the Professional Code (R.S.Q., C-26) and their regulations are not changed or reduced by the fact that a radiology technologist practises within a partnership or joint-stock company.

O.C. 434-2009, s. 1.

CHAPTER I

DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

1. A radiology technologist shall promote improvement in the quality and availability of professional services in the field in which he practises. To that end, he shall take measures to update his knowledge and shall apply new knowledge related to his field of practice.

O.C. 789-98, s. 1.

2. In the practice of his profession, a radiology technologist shall bear in mind all the consequences which his research, work and actions may have on public health.

O.C. 789-98, s. 2.

3. A radiology technologist shall promote measures of education and information in the field in which he practises and, insofar as possible, shall take the necessary actions to ensure that such education and information are provided.

O.C. 789-98, s. 3.

CHAPTER II

DUTIES AND OBLIGATIONS TOWARDS CLIENTS

O.C. 789-98, div. II; O.C. 434-2009, s. 16.

DIVISION I

GENERAL

4. A radiology technologist shall practise his profession in accordance with the professional standards generally recognized by all the members of the Ordre des technologues en radiologie du Québec and in accordance with the current state of knowledge in the science.

O.C. 789-98, s. 4.

5. In the practice of his profession, a radiology technologist shall bear in mind the limits on his capabilities, his knowledge and the means at his disposal.

O.C. 789-98, s. 5.

6. A radiology technologist shall at all times recognize the client's right to consult another member of the Order, a member of another professional order or any other competent person.

O.C. 789-98, s. 6; O.C. 434-2009, s. 16.

7. A radiology technologist shall seek to establish a relationship of confidence with the client and shall refrain from exercising his profession in an impersonal manner.

O.C. 789-98, s. 7; O.C. 434-2009, s. 16.

8. A radiology technologist shall refrain from practising his profession in a state or in conditions liable to compromise the quality of his services or the dignity of the profession.

O.C. 789-98, s. 8.

9. A radiology technologist shall refrain from intervening in the client's personal affairs in matters not pertaining to his professional competence, so as not to unduly restrict the client's autonomy.

O.C. 789-98, s. 9; O.C. 434-2009, s. 16.

DIVISION II

INTEGRITY

10. A radiology technologist shall carry out his professional duties with integrity.

O.C. 789-98, s. 10.

11. A radiology technologist shall avoid any false representation with respect to his level of competence or the efficacy of his services or those generally provided by the members of the Order or persons who carry on their professional activities within the same partnership or joint-stock company as him. If the good of the with a client so requires, he shall refer the client to another member of the Order, to a member of another professional order or another competent person.

O.C. 789-98, s. 11; O.C. 434-2009, s. 2 and 16.

12. A radiology technologist shall seek to obtain full knowledge of the facts where a client or another professional asks his advice or opinion in the practice of his profession.

O.C. 789-98, s. 12; O.C. 434-2009, s. 16.

DIVISION III

AVAILABILITY AND DILIGENCE

13. A radiology technologist shall demonstrate reasonable availability and diligence in the practice of his profession. If he is unable to respond to a request within a reasonable time, he shall indicate to the client when he will be available.

O.C. 789-98, s. 13; O.C. 434-2009, s. 16.

14. A radiology technologist shall provide the client with the explanations necessary to understand and evaluate the services he renders to him.

O.C. 789-98, s. 14; O.C. 434-2009, s. 16.

15. A radiology technologist shall demonstrate objectivity and impartiality when persons other than clients ask him for information.

O.C. 789-98, s. 15; O.C. 434-2009, s. 16.

16. Before ceasing to carry out his duties on behalf of a client, a radiology technologist shall ensure that cessation of service is not prejudicial to the client.

O.C. 789-98, s. 16; O.C. 434-2009, s. 16.

DIVISION IV

LIABILITY

17. A radiology technologist shall, in the practice of his profession, fully commit his civil liability. He is thus prohibited from inserting in a contract for professional services a clause that directly or indirectly excludes such liability in whole or in part. A radiology technologist may not invoke the liability of the partnership or joint-stock company within which he carries on his professional activities or the liability of another person also carrying on activities as a ground for excluding or limiting his personal liability.

O.C. 789-98, s. 17; O.C. 434-2009, s. 3.

DIVISION V

INDEPENDENCE AND IMPARTIALITY

18. A radiology technologist shall, in the practice of his profession, subordinate his personal interests, those of the partnership or joint-stock company within which he carries on his professional activities or in which he has an interest and those of any other person carrying on activities within such a partnership or joint-stock company, to those of the client.

O.C. 789-98, s. 18; O.C. 434-2009, s. 4.

19. A radiology technologist shall ignore any intervention by a third party which could affect the performance of his professional duties to the detriment of the client.

O.C. 789-98, s. 19; O.C. 434-2009, s. 16.

20. A radiology technologist shall at all times safeguard his professional independence and shall avoid any situation where he might be in a conflict of interest.

O.C. 789-98, s. 20.

20.1. A radiology technologist may not be a party to an agreement in which the nature and extent of professional expenses can influence the quality of his practice.

A radiology technologist may not be a party to an agreement with another professional in which the nature and extent of the professional expenses of the latter can influence the quality of his practice.

Any agreement entered into by the radiology technologist or a partnership or joint-stock company of which he is a partner or shareholder regarding the enjoyment of a building or a space to practise shall be entirely evidenced in writing and include a declaration that the obligations arising from the agreement comply with the provisions of this Code and a clause authorizing release of the agreement to the Ordre des technologues en radiologie du Québec on request.

O.C. 434-2009, s. 5.

21. A radiology technologist may share his fees only with another radiology technologist or a person, a trust or an enterprise referred to in subparagraph 1 or 2 of the first paragraph of section 1 of the Regulation respecting the practice of the profession of radiology technologist within a partnership or a joint-stock company (O.C. 433-2009, 09-04-08) or with a partnership or a joint-stock company within which the radiology technologist is authorized to carry on his professional activities.

O.C. 789-98, s. 21; O.C. 434-2009, s. 6.

22. A radiology technologist shall refrain from receiving any gratuity, rebate or commission relating to the practice of his profession other than customary tokens of appreciation or gifts of small value. No radiology technologist may pay, offer to pay or undertake to pay such gratuity, rebate or commission.

O.C. 789-98, s. 22; O.C. 434-2009, s. 7.

DIVISION VI

PROFESSIONAL SECRECY

23. A radiology technologist is bound by professional secrecy, in accordance with section 60.4 of the Professional Code (R.S.Q., c. C-26).

O.C. 789-98, s. 23.

24. Where a radiology technologist asks a client to reveal to him confidential information or allows such information to be entrusted to him, he shall ensure that the client knows the reasons for it and the use that will be made of the information.

O.C. 789-98, s. 24; O.C. 434-2009, s. 16.

25. A radiology technologist shall not reveal that a person has used his services.

O.C. 789-98, s. 25; O.C. 434-2009, s. 8.

26. A radiology technologist shall avoid indiscreet conversations concerning a client and the services rendered to him.

O.C. 789-98, s. 26; O.C. 434-2009, s. 16.

26.1. A radiology technologist shall take reasonable measures to ensure that the secrecy of all confidential information obtained in the practice of his profession is preserved by any employee or person who collaborates with him or carries on his activities within the partnership or joint-stock company where he carries on his professional activities.

O.C. 434-2009, s. 9.

27. A radiology technologist shall not make use of confidential information to the detriment of a client or with a view to obtaining, either directly or indirectly, an advantage for himself or another person.

O.C. 789-98, s. 27; O.C. 434-2009, s. 16.

27.1. A radiology technologist who, pursuant to the third paragraph of section 60.4 of the Professional Code (R.S.Q., c. C-26), communicates information protected by professional secrecy to prevent an act of violence shall

- (1) communicate the information immediately;
- (2) if the information is communicated orally, confirm the information in writing to the person to whom the information is given as soon as possible;
- (3) enter the following particulars in the client's record as soon as possible:
 - (a) the date and time of the communication;
 - (b) the reasons supporting the decision to communicate the information including the name of the person who caused the radiology technologist to communicate the information and the name of the person or group of persons exposed to the danger; and

(c) the content of the communication, the mode of communication and the name of the person to whom the information was given; and

(4) as soon as possible, send the syndic a notice of the communication that includes the reasons supporting the decision to communicate the information and the date and time it was communicated.

In addition, if it is necessary in the best interests of the person or persons exposed to the danger, a radiology technologist who, pursuant to the third paragraph of section 60.4 of the Code communicates such information, shall consult a 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. 778-2004, s. 1; O.C. 434-2009, s. 16.

DIVISION VII

ACCESSIBILITY AND CORRECTIONS TO RECORDS

28. Where a radiology technologist practises his profession in a public body governed by the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1), the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), he shall observe the rules respecting the accessibility and correction of records provided for in those statutes.

O.C. 789-98, s. 28.

29. For the purposes of the first paragraph of section 60.5 of the Professional Code (R.S.Q., c. C-26), access to the information contained in a record shall be free of charge. Notwithstanding the foregoing, fees not exceeding the cost of transcribing, reproducing or forwarding the information may be charged to the client.

Where a radiology technologist intends to charge fees under this section, he shall inform the client of the approximate amount exigible before transcribing, reproducing or forwarding the information.

O.C. 789-98, s. 29; O.C. 434-2009, s. 16.

30. For the purposes of section 60.6 of the Professional Code (R.S.Q., c. C-26), a radiology technologist who grants an application for correction shall issue to the client, free of charge, a copy of any information amended or added or, as the case may be, an attestation that information has been deleted.

The client may require the radiology technologist to forward a copy of the information or, as the case may be, the attestation to the person from whom he obtained the information or to any other person to whom the information has been communicated.

O.C. 789-98, s. 30; O.C. 434-2009, s. 16.

31. Where a radiology technologist holds information in respect of which an application for access or correction has been made, he shall, if he refuses to grant the application, conserve the information for as long as necessary to allow the client to exhaust the recourses provided for by law.

O.C. 789-98, s. 31; O.C. 434-2009, s. 16.

DIVISION VIII

DETERMINATION AND PAYMENT OF FEES

32. A radiology technologist shall charge and accept fair and reasonable fees.

O.C. 789-98, s. 32.

33. Fees are fair and reasonable if they are warranted by the circumstances and are in proportion to the services rendered. A radiology technologist shall bear in mind the following factors in particular in determining his fees:

- (1) his experience;
- (2) the time devoted to performing the professional services;
- (3) the difficulty and scope of the services; and

(4) whether he was called on to perform unusual services or services requiring exceptional competence or speed.

O.C. 789-98, s. 33.

34. A radiology technologist shall provide the client with all the explanations necessary to understand his statement of fees and the terms of payment.

O.C. 789-98, s. 34; O.C. 434-2009, s. 16.

35. A radiology technologist shall give the client an estimate of the cost of his services beforehand.

O.C. 789-98, s. 35; O.C. 434-2009, s. 16.

35.1. A radiology technologist who practises within a partnership or joint-stock company shall ensure that the fees relating to the professional services provided by radiology technologists are always indicated separately on every invoice or statement of fees that the partnership or joint-stock company sends the client.

O.C. 434-2009, s. 10.

36. A radiology technologist shall abstain from requiring advance payment of his fees. However, he may, by written agreement with the client, require an advance to cover payment of the expenditures necessary to perform the professional services required.

O.C. 789-98, s. 36; O.C. 434-2009, s. 16.

36.1. Where a radiology technologist carries on professional activities within a joint-stock company, the fees relating to the professional services rendered by him within and on behalf of the joint-stock company belong to the joint-stock company, unless agreed otherwise.

O.C. 434-2009, s. 11.

37. A radiology technologist may collect interest on outstanding accounts only after having duly notified the client to that effect. Interest so charged shall be at a reasonable rate.

O.C. 789-98, s. 37; O.C. 434-2009, s. 16.

38. Before resorting to legal proceedings, a radiology technologist shall exhaust all other means at his disposal to obtain payment of his fees.

O.C. 789-98, s. 38.

39. Where a radiology technologist appoints another person to collect his fees, he shall ensure that the person acts with tact and moderation.

O.C. 789-98, s. 39.

CHAPTER III

DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

DIVISION I

DEROGATORY ACTS

40. The following acts, in addition to the acts referred to in sections 59 and 59.1 of the Professional Code or that may be performed in contravention of section 59.2 of the Code, are derogatory to the dignity of the profession where performed by a radiology technologist:

(1) practising his profession in a state of intoxication or in any other physical or mental state liable to compromise the quality of his services;

(2) falsifying an examination or treatment in any way whatsoever;

(3) tolerating or contributing to the illegal practice of the profession, in particular by collaborating with any person

practising the profession without holding a permit for that purpose;

(4) failing to inform the Order as rapidly as possible of any person illegally practising the profession of radiology technologist;

(5) communicating with the complainant without prior permission in writing from the syndic or his assistant, where he is informed of an investigation into his professional conduct or competence or where he has received notice of a complaint against him;

(6) requiring, offering, promising, accepting or agreeing to accept a sum of money or any advantage for the purpose of aiding in causing a procedure or decision of the Order to be adopted or rejected; or

(7) claiming fees for professional services not provided or falsely described.

O.C. 789-98, s. 40; O.C. 434-2009, s. 12.

40.1. It is also derogatory to the dignity of the profession for a radiology technologist who carries on his professional activities within a partnership or joint-stock company

(1) to practise his profession in a partnership or joint-stock company with other persons when he becomes aware that one of the conditions, terms or restrictions pursuant to which he is authorized to carry on his professional activities has not been respected;

(2) to continue to carry on his professional activities within the partnership or joint-stock company when the representative of the partnership or joint-stock company before the Order, a director, an officer or an employee is still performing his duties within the partnership or joint-stock company more than 10 days after he has been struck off the roll for more than 3 months or had his permit revoked;

(3) to continue to carry on his professional activities within the partnership or joint-stock company when a shareholder or a partner is still directly or indirectly exercising a voting right within such partnership or joint-stock company more than 10 days after the effective date on which he was struck off the roll for more than 3 months or had his permit revoked and has not divested himself of his partnership shares or units within 180 days following the aforementioned effective date; or

(4) to enter into an agreement or permit an agreement to be entered into, including a unanimous agreement between shareholders, that operates to impair the independence, objectivity and integrity required for the practice of the profession or compliance by the members with the Radiology Technologists Act (R.S.Q., c. T-5), the Professional Code (R.S.Q., c. C-26) and their regulations.

O.C. 434-2009, s. 13.

41. A radiology technologist shall report to the Order any derogatory act of which he is aware.

O.C. 789-98, s. 41.

DIVISION II

RELATIONS WITH THE ORDER, COLLEAGUES AND OTHER PROFESSIONALS

42. Where a radiology technologist is requested by the Order to serve on a council for the arbitration of accounts, a committee on discipline, a professional inspection committee or a review committee, he shall accept that duty unless he has reasonable grounds for refusing.

O.C. 789-98, s. 42.

43. A radiology technologist shall reply promptly to all correspondence sent by the secretary of the Order, the syndic, the assistant syndic or an investigator or a member of the professional inspection committee. In his dealings with them, he shall not be guilty of a breach of trust or unfair practices.

O.C. 789-98, s. 43.

44. A radiology technologist shall not abuse the good faith of a member of the Order or be guilty of a breach of trust or unfair practices in his dealings with him. He shall not, in particular, take credit for work performed by another person.

O.C. 789-98, s. 44.

45. Where a radiology technologist is consulted by a member of the Order or another professional, he shall provide his opinion and recommendations within a reasonable time.

O.C. 789-98, s. 45.

46. Where a radiology technologist is called on to collaborate with a member of the Order, another professional or another competent person, he shall preserve his professional autonomy. He is not bound to perform any task contrary to his professional conscience or the principles governing the practice of the profession.

O.C. 789-98, s. 46.

DIVISION III

CONTRIBUTION TO THE ADVANCEMENT OF THE PROFESSION

47. A radiology technologist shall contribute, insofar as possible, to the development of the profession, in particular by promoting the exchange of knowledge and experience with his colleagues and with students and by participating in the Order's continuing training courses and activities.

O.C. 789-98, s. 47.

CHAPTER IV

CONDITIONS, OBLIGATIONS AND RESTRICTIONS RESPECTING ADVERTISING

48. A radiology technologist may not, by any means whatsoever, engage in or allow the use of advertising that is false, deceptive, incomplete or liable to be misleading.

O.C. 789-98, s. 48.

49. A radiology technologist may not claim to possess specific qualities or skills, in particular with regard to his level of competence or the scope or efficacy of his services, unless he can substantiate such claim.

O.C. 789-98, s. 49.

50. A radiology technologist may not engage in advertising that denigrates or discredits another person, either directly or indirectly.

O.C. 789-98, s. 50.

51. All advertising shall indicate the name and professional title of the radiology technologist.

O.C. 789-98, s. 51.

52. A radiology technologist may not, in any way whatsoever, engage in or allow the use of advertising intended to exploit or abuse persons who may be physically or emotionally vulnerable.

O.C. 789-98, s. 52.

53. A radiology technologist who advertises the cost of his services shall do so in a manner that is understandable to persons who have no particular knowledge of radiology and shall:

- (1) keep the amounts in force for the time advertised, which may not be less than 30 days after the date of the last broadcast or publication;
- (2) specify the services included in those amounts;
- (3) indicate whether or not other costs are included in the amounts;
- (4) indicate whether additional services are required and if they are included in the amounts.

A radiology technologist may however agree with a client to an amount that is lower than that broadcast or published.

O.C. 789-98, s. 53; O.C. 434-2009, s. 16.

54. A radiology technologist shall keep a complete copy of every advertisement in its original form for a period of 2 years following the date of its last broadcast or publication. That copy shall be given to the syndic upon request.

O.C. 789-98, s. 54.

55. The Order is represented by a graphic symbol. Where a radiology technologist uses the symbol in his advertising, he shall ensure that it is a true copy of the original held by the secretary of the Order.

O.C. 789-98, s. 55.

56. Where a radiology technologist uses the graphic symbol of the Order in an advertisement, except on a business card, he shall include the following notice in that advertisement:

«This advertisement is not an advertisement of the Ordre des technologues en radiologie du Québec and does not commit its liability.».

O.C. 789-98, s. 56; O.C. 434-2009, s. 14.

56.1. A radiology technologist shall ensure that a partnership or joint-stock company within which he carries on his professional activities does not use the graphic symbol of the Order in connection with its advertising or name unless all the services provided by the partnership or joint-stock company are professional services rendered by radiology technologists.

In the case of a partnership or joint-stock company which provides professional services of radiology technologists and services of persons other than radiology technologists with whom the radiology technologist carries on his professional activities, the graphic symbol of the Order may be used in connection with the name of the partnership or joint-stock company or in its advertising provided the graphic symbol identifying each of the professional orders or organizations to which such persons belong is also used.

The graphic symbol of the Order may always be used in connection with the name of a radiology technologist.

O.C. 434-2009, s. 15.

CHAPTER V

NAME

O.C. 434-2009, s. 15.

56.2. A radiology technologist shall not practise within a partnership or joint-stock company under a name or designation which is misleading, deceptive or contrary to the honour or dignity of the profession or which is a number name.

O.C. 434-2009, s. 15.

56.3. A radiology technologist who carries on his professional activities within a partnership or joint-stock company shall take reasonable measures to ensure that every document filed within the practice of his profession and issued by the partnership or joint-stock company is identified with the name of a radiology technologist.

O.C. 434-2009, s. 15.

57. Omitted.

O.C. 789-98, s. 57.

58. Omitted.

O.C. 789-98, s. 58.