



Ordre professionnel
de la physiothérapie
du Québec

PREUVE DE COMPÉTENCE

REGULATION

ON RECORD KEEPING, PLACES OF PRACTICE,
EQUIPMENT AND THE CESSATION OF PRACTICE
BY A MEMBER OF THE ORDRE PROFESSIONNEL
DE LA PHYSIOTHÉRAPIE DU QUÉBEC.

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REGULATION ON RECORD KEEPING, PLACES OF PRACTICE, EQUIPMENT AND THE CESSATION OF PRACTICE BY A MEMBER OF THE ORDRE PROFESSIONNEL DE LA PHYSIOTHÉRAPIE DU QUÉBEC

Professional Code
(Chapter C-26, a. 91)

SECTION I

» GENERAL PROVISIONS

1. In this Regulation, client means any person to whom a member of the Ordre professionnel de la physiothérapie du Québec provides professional services.
2. This Regulation permits the use of computer technology or any other information technology that allows a member to draw up, keep, hold and preserve records, providing the confidentiality and the integrity of the information they contain are protected and that the exercise of access and correction rights is ensured.

SECTION II

» RECORD KEEPING

3. The member shall keep a record for each of his clients.
4. Notwithstanding Article 3, in the case of a member who practices on behalf of an establishment in the meaning of the Act respecting health services and social services (chapter S-4.2) or of an institution in the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5), the user's record drawn up and maintained by the establishment or institution is considered the member's record and the member is required to enter into it all information and documents mentioned in this Regulation. Said member is exempted from the obligations under Articles 11 and 12.

Likewise, notwithstanding Article 3, in the case of a member who practices on behalf of a natural or legal person or who is associated with or employed by a company, he may document in the records of said person or company the information mentioned in Articles 6 and 7 with respect to the client to whom he is providing professional services, providing the confidentiality of the records and clients' right of access thereto are protected.

5. When the member exercises his profession in a group intervention, he shall keep either an individual record for each client in the group or a single record for the entire group.
6. The record shall contain:
 - 1° when the client is a natural person, the client's name, sex, date of birth and contact information;
 - 2° when the client is a company or a legal person, the client's name and contact information as well as the name and contact information of the authorized representative;
 - 3° the purpose of the consultation for service as well as the identity of the person who requested the service, if the latter is not the client;
 - 4° the entries confirming that the client or his legal representative consented to the service.
7. If applicable, the record shall also contain:
 - 1° the evaluation of the physiotherapist and the conclusion of his findings on his clinical reasoning;
 - 2° in the case of a physical rehabilitation therapist, the information provided in Article 4 of the Regulation respecting the categories of permits issued by the Ordre professionnel de la physiothérapie du Québec (chapter C-26, r. 196.1) and the evaluative data collected;
 - 3° the objectives and the treatment plan based on the disabilities and impairments identified;
 - 4° for each visit, the date, the description of the professional services provided, the entries on the evolution of the client's conditions and the client's reactions to the treatment and the corresponding recommendations;
 - 5° any relevant document related to the professional services provided;
 - 6° the date and the summary of any relevant verbal communication with the client or a third party;
 - 7° the entries indicating the participation of a third party in the treatment plan and any document related to this participation;
 - 8° any information and authorization relating to the communication of information to the client or a third party;
 - 9° any information relating to an incident, an accident or a complication in connection with the professional services provided by the member;
 - 10° the entries related to the temporary interruption or the termination of the professional services;
 - 11° the statements of professional fees or of any other amounts charged, unless they are the subject of another form of administrative filing and are easy to retrace;
 - 12° any other information or document that must be kept in the record by virtue of the Professional Code (chapter C-26) or a regulation made thereunder.

- 8.** The record shall contain the name and number of the member who is making the entries. Said name and number shall be in legible characters.

Each entry must be permanent and followed by the date on which it was entered, the signature or initials of the member who entered it as well as the latter's full or abbreviated title.

- 9.** The member shall keep each of his records up to date.
- 10.** The member shall ensure the confidentiality and integrity of his records and restrict access thereto to authorized persons only.
- 11.** The member shall keep each record and each statement of professional services or of any other amount charged to each client for a minimum of 5 years from the date on which the last professional service was provided.
- 12.** The member shall ensure that any document or record is destroyed such as to preserve the confidentiality of the information it contains.

SECTION III

KEEPING OF PLACES OF PRACTICE

- 13.** The member shall ensure that the room, office or other location where he meets his client is organized in such a way as to protect the client's right to confidentiality.
- 14.** The member shall take reasonable means to ensure that cleanliness, health and safety measures are applied in keeping with generally accepted practices in the exercise of the profession.
- 15.** The member shall take reasonable means to ensure compliance with the accepted standards related to:
- 1° the safe disposal of biomedical waste;
 - 2° the preservation and disposal of medication, products and substances used in the practice of physiotherapy.
- 16.** The member shall, when the place where he practices his profession allows for it, namely in the case of a room or an office, display visible to the public a current copy of the Code of ethics of physical therapists and physical rehabilitation therapists (chapter C-26, r. 197) and, if applicable, a current copy of the Règlement sur la procédure de conciliation et d'arbitrage des comptes des membres de l'Ordre professionnel de la physiothérapie du Québec (chapter C-26, r. 204). He shall also provide the Order's contact information on each of these regulations.
- In all other cases, the member shall provide a current copy of these regulations to the client who so requests.

17. The member may display visible to his clients his diplomas, certifications delivered by the Order and other proofs of training, provided they are related to his physiotherapy practice.
18. The member who takes a leave of absence from his place of practice shall take, depending on the duration of his leave of absence, the necessary measures to inform the persons who try to reach him of the duration of his absence and of the procedure to be followed in an emergency.

SECTION IV

» MAINTENANCE OF THE EQUIPMENT

19. The member shall make sure that any medical device that he uses has been approved by the Minister of Health by virtue of the Medical Devices Regulations (SOR/98-282), including subsequent amendments made thereto.

Any medical device referred to in the above paragraph as well as any equipment that the member uses shall be maintained adequately by a qualified person such as to ensure it operates in an optimal and safe manner.

To this effect, the member shall namely ensure that the inspection and adjustment of any medical device or equipment are carried out in accordance with said device's or equipment's particular specifications and with the applicable standards.

20. The member shall make sure a register containing the following information is available and up to date:
 - 1° the identification of the medical device or equipment;
 - 2° the date the inspection was conducted and the result of the inspection;
 - 3° the name of the person who conducted the inspection;
 - 4° the date and the type of corrective action taken, if applicable.

This register shall be kept for as long as the medical device or equipment is used.

SECTION V

» CESSATION OF PRACTICE

§1. — *General Provisions*

- 21.** This Section applies to the records kept by a member who ceases to practice his profession or whose right to practice is restricted.

However, this section does not apply to a member who ceases to practice his profession when employed by a natural person, a legal person or a company.

- 22.** For the application of this Section:

1°- any agreement respecting a cessation must be made in writing; it shall indicate the name, mailing address, email address and telephone number of the transferee, the reason giving rise to the cessation and the date it takes effect. This agreement may be made on a gratuitous or onerous basis; in the latter case, it may provide remuneration for the transferee;

2°- only a member may act as the transferee of the records of another member.

§2. — *Permanent cessation of practice*

- 23.** The member who ceases to practice on a permanent basis or who accepts a function that prevents him from practicing his profession on a permanent basis shall, within 30 days of the scheduled date of cessation of practice, notify in writing the secretary of the Order of such and provide the latter with a copy of the transfer agreement.

If the member has not signed a transfer agreement, he retains custody of his records unless the Board of directors considers that a transfer is necessary to protect the public. In the latter case, the Board of directors shall designate a transferee.

- 24.** When informed of the death of a member who had not signed a transfer agreement, the secretary of the Order shall incite the successors of the deceased member to find, as soon as possible, a transferee for his records.

In case of failure to do so, the Board of directors shall designate a transferee.

- 25.** The member whose permit is revoked, who is permanently struck off of the roll of the Order, whose right to practice is permanently suspended or whose temporary permit is not renewed shall submit the name of a transferee to the secretary of the Order, within 30 days of the date on which the decision takes effect. In the case of failure to do so, the Board of directors shall designate a transferee.

- 26.** The transferee or the member shall, within 30 days after having taken possession of the records or prior to the cessation of practice, notify each client thereof.

The notice shall provide the following information:

- 1° the date of taking of possession of the records or of cessation of practice;
- 2° the mailing address, email address and telephone number enabling the client to contact the transferee or the member to obtain a copy of his record;
- 3° the period within which the client may accept the transfer, regain possession of his record or ask that his record be transferred to another professional.

This notice shall be sent to each client of the member whose record is active. The transferee or the member, as applicable, shall meet his obligation to clients whose records are inactive by having said notice published on the territory on which the member practiced.

A copy of said notice shall be sent to the secretary within 30 days of its issuance or publication.

- 27.** The transferee or the member who retains custody of his records, as appropriate, shall at all times take the necessary measures to protect the client's interests and ensure compliance with the rules regarding confidentiality and access to the information contained in the records, namely the client's right to obtain a copy of the documents.
- 28.** The transferee or the member who retains custody of his records, as appropriate, shall take the necessary measures to have the records kept or destroyed in accordance with the requirements stipulated in Articles 10, 11 and 12.
- 29.** The member shall prepare the list of records that he is transferring to the transferee or of which he is retaining custody thereof and shall submit a copy thereof to the secretary of the Order.
- 30.** The member who retains custody of his records shall commit in writing to the secretary of the Order to maintaining current the contact information making it possible to reach him during the 5-year period following his cessation of practice.

§3. — *Temporary cessation of practice*

- 31.** The member who ceases to practice on a temporary basis or who accepts a function that prevents him from practicing his profession on a temporary basis shall, within 30 days of the scheduled date of cessation of practice, notify in writing the secretary of the Order of such and provide the latter with a copy of the transfer agreement.

If the member has not signed a transfer agreement, he retains custody of his records unless the Board of directors considers that a transfer is necessary to protect the public. In the latter case, the Board of directors shall designate a transferee.

For the purpose of this article, the transferee or the member who retains custody of his records shall be required to meet the obligations under Articles 26 to 30.

- 32.** The member who is temporarily or provisionally struck off of the roll of the Order or whose right to practice is temporarily suspended for a period of one year or more shall submit the name of a transferee to the secretary of the Order, within 30 days of the date on which the decision takes effect.

In case of failure to do so, the Board of directors shall designate a transferee.

For the purpose of this article, the transferee shall be required to meet the obligations under Articles 26 to 30.

- 33.** The member who is temporarily or provisionally struck off of the roll of the Order or whose right to practice is temporarily suspended for a period of more than 30 days but less than one year shall submit the name of a transferee to the secretary of the Order, within 30 days of the date on which the decision takes effect.

If the member has not signed a transfer agreement, he retains custody of his records unless the Board of directors considers that a transfer is necessary to protect the public. In the latter case, the Board of directors shall designate a transferee.

For the purpose of this article, the transferee or the member who retains custody of his records shall be required to meet the obligations under Articles 26 to 30.

- 34.** The member who is temporarily or provisionally struck off of the roll or whose right to practice is temporarily suspended for a period of less than 30 days retains custody of his records unless the Board of directors considers that a transfer is necessary to protect the public. In the latter case, the Board of directors shall designate a transferee.

For the purpose of this article, Article 27 shall apply.

§ 4. — Restriction of the right to practice

- 35.** The member whose right to engage in professional activities is restricted retains custody of his records; he may use them to the extent that he is permitted by his restriction, as applicable.

The member who retains custody of his records by virtue of this article shall not be required to notify his clients thereof.

He shall, when the Board of directors considers that it is necessary to transfer the records to protect the public, entrust them to a transferee. The transferee shall be required to meet the obligations under Articles 26 to 30.

§5. — Powers of the Order

- 36.** In all cases in which the Board of directors cannot designate a transferee, the secretary of the Order automatically becomes the provisional custodian of the member's records. The secretary shall have custody thereof until the Board of directors designates a transferee.

In all such cases, the secretary shall be required to meet the obligations under Articles 26 to 30.

- 37.** When the Board of directors designates a transferee or the secretary acts in that capacity, the member or his successors shall reimburse the fees and expenses assumed by the Board of directors or the transferee.

These amounts are established by means of a resolution of the Board of directors, in application of the fourth subparagraph of Article 91 of the Professional Code. This resolution also establishes the remuneration and the terms of the mandate of the transferee as well as the methods of recovery of the fees and expenses assumed from the member or his successors.

- 38.** When a transfer was agreed to but cannot be carried out, the secretary or a transferee designated by the Board of directors shall take possession of the records.

SECTION VI

» FINAL PROVISIONS

- 39.** This Regulation shall replace the Règlement sur la tenue des dossiers, des cabinets de consultation, le maintien des équipements et la cessation d'exercice des membres de l'Ordre professionnel de la physiothérapie du Québec (chapter C-26, r. 207).
- 40.** This Regulation shall come into force on the fifteenth day following its publication in the Gazette officielle du Québec.