

Bill 115

**An Act to combat maltreatment of
seniors and other persons of full age in
vulnerable situations**

Section 1

AMENDMENT:

Replace “promoting the establishment of an” by “establishing an”.

*Adopté
SPR*

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Section 1

AMENDMENT:

1. Replace “persons in vulnerable situations” in the first sentence by “seniors and other persons of full age in vulnerable situations”.
2. Insert “and other persons of full age in vulnerable situations” at the end.

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Section 2

AMENDMENT:

1. Insert before paragraph 1:

(0.1) “local service quality and complaints commissioner” means a local service quality and complaints commissioner appointed under section 30 of the Act respecting health services and social services (chapter S-4.2) or the person designated by the Cree Board of Health and Social Services of James Bay established under the Act respecting health services and social services for Cree Native persons (chapter S-5);

2. Insert “or the Cree Board of Health and Social Services of James Bay” at the end of paragraph 1.

3. Insert “intentionally or unintentionally” before “causes” in paragraph 2.

4. Replace “physical, cognitive or psychological limitation, illness, injury or handicap” in paragraph 3 by “restraint, limitation, illness, disease, injury, impairment or handicap, which may be physical, cognitive or psychological in nature”.

5. Add the following paragraph at the end:

(5) “private seniors’ residence” means a private seniors’ residence within the meaning of section 346.0.1 of the Act respecting health services and social services.

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Section 3

AMENDMENT:

1. Replace the third paragraph by:

The president and executive director or the executive director of the institution, as applicable, or the person designated by the president and executive director or the executive director, sees to the implementation of the policy.

2. In the fourth paragraph,

(a) strike out “appointed under section 30 of the Act respecting health services and social services” in subparagraph 3;

(b) insert “and the time limit for carrying it out” at the end of subparagraph 8.

3. Add the following paragraph at the end:

The time limits for processing complaints or reports concerning cases of maltreatment must vary according to the seriousness of each case.

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Section 4

AMENDMENT:

Replace by:

4. The policy must specify the adaptations required, if any, when it is implemented by

(1) an intermediate or family-type resource governed by the Act respecting health services and social services or any other body, partnership or person the institution calls on for the provision of its services, in particular by an agreement under section 108 or 108.1 of the Act respecting health services and social services or section 124 of the Act respecting health services and social services for Cree Native persons; or

(2) a private seniors' residence.

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SPE

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Section 5

AMENDMENT:

1. Add “and publish it on its website” after “it maintains”.
2. Replace “inform the users who receive in-home services of its policy” by “make its policy known to users covered by the policy, including those who receive in-home services, and their close family members”.

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Section 6

AMENDMENT:

Add the following paragraph at the end:

An integrated health and social services centre established by the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2) and a local authority within the meaning of the Act respecting health services and social services must also each make its policy known to the health and social services providers working in the territory served by the centre or authority, namely, the groups of professionals, the community organizations within the meaning of section 334 of the Act respecting health services and social services, and the social economy enterprises and private resources, and to the key players in the other sectors of activity that have an impact on health services and social services.

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Section 8

AMENDMENT:

1. Add the following sentence at the end of the first paragraph:

The same applies to any other body, partnership or person the institution calls on for the provision of services.

2. Replace the second paragraph by:

Any such resource, body, partnership or person must make its policy known to the users covered by the policy, their close family members and the persons working for the resource, body, partnership or person.

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Section 9

AMENDMENT:

1. Strike out “governed by the Act respecting health services and social services” in the first paragraph.
2. Replace the second paragraph by:

The operator must make the policy known to the residents, their close family members and the persons working for the residence.

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Section 11

AMENDMENT:

1. Replace “complaint within the scope” in the first paragraph by “complaint made within the scope”.
2. Replace “or breaking their lease” in the second paragraph by “, breaking their lease, or prohibiting or restricting visits to users or residents”.

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Section 14

AMENDMENT:

1. Replace “the commissioner’s report” by “the activities summary the commissioner submits”.
2. Replace “without disclosing the identity of any person who made a complaint or report of maltreatment” by “without compromising the confidentiality of maltreatment records, including the identity of the persons concerned by a complaint or report of maltreatment”.

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Section 15

AMENDMENT:

Replace “the Minister publishes on the website of the Minister’s department” by “the Minister tables in the National Assembly within four months of the end of the fiscal year or, if the Assembly is not sitting, within 15 days of resumption. The report is also published on the website of the Minister’s department”.

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Section 16

AMENDMENT:

Replace “la prévenir, à la repérer et à lutter contre celle-ci” in the French text by
“prévenir, repérer et lutter contre la maltraitance”.

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Section 17

AMENDMENT:

Replace by:

17. The Minister enters into a Québec-wide framework agreement concerning maltreatment of seniors with the Minister of Public Security, the Minister of Justice, the Minister of Health and Social Services, the Director of Criminal and Penal Prosecutions, the Autorité des marchés financiers, the Commission des droits de la personne et des droits de la jeunesse, the Public Curator and any other department or body considered useful.

The framework agreement must, among other things, stipulate the parties' obligation to make sure an intervention process is established in each region that takes into account the different regional realities.

The framework agreement must also provide that it may be applied, with the necessary adaptations, to any person of full age in a vulnerable situation.

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Section 17.1

AMENDMENT:

Insert after section 17:

17.1. Any person who has reasonable cause to believe that a person concerned by an intervention process is a victim of maltreatment may report the case to any of the persons authorized to receive such reports under the intervention process.

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Section 17.2

AMENDMENT:

Insert after section 17.1:

17.2. Sections 10 to 12 apply, with the necessary modifications, to persons who, under this chapter, report maltreatment, receive a report of maltreatment or cooperate in the examination of such a report.

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Section 18

AMENDMENT:

Replace “the Minister publishes on the website of the Minister’s department” by “the Minister tables in the National Assembly within four months of the end of the fiscal year or, if the Assembly is not sitting, within 15 days of resumption. The report is also published on the website of the Minister’s department”.

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Section 23

AMENDMENT:

Replace by:

23. Section 3.1 of the Act respecting labour standards (chapter N-1.1), amended by section 43 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (2016, chapter 34), is again amended by replacing “, 10 and 11” in the second paragraph by “and 10 to 12”.

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Section 24

AMENDMENT:

Replace by:

24. Section 122 of the Act, amended by section 44 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (2016, chapter 34), is again amended by adding the following subparagraph at the end of the first paragraph:

“(12) on the ground of a report of maltreatment made by an employee or of the employee’s cooperation in the examination of a report or complaint of maltreatment under the Act to combat maltreatment of seniors and other persons of full age in vulnerable situations (*insert the year and chapter number of that Act*).”

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Section 30

AMENDMENT:

Replace “if applicable, for directing the persons making such a report to another appropriate authority” in the proposed paragraph by “if the report of maltreatment must be handled by another authority, for directing the persons making the report to that authority”.

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Section 31

AMENDMENT:

Insert “, by a user and his representative described in section 12,” after “use” in proposed paragraph 30.

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Section 32.1

AMENDMENT:

Insert after section 32:

32.1. Section 18 of the Act is amended by adding the following paragraph at the end:

“The regional council is also answerable for the handling of reports of maltreatment made within the scope of the anti-maltreatment policy adopted under the Act to combat maltreatment of seniors and other persons of full age in vulnerable situations (*insert the year and chapter number of that Act*) and, if the report of maltreatment must be handled by another authority, for directing the persons making the report to that authority.”

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Section 18.1

AMENDMENT:

Replace “est tenu de” in the proposed first paragraph in the French text by “doit”.

Adopté
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Section 18.1

AMENDMENT:

Insert after section 18:

CHAPTER III.1

OBLIGATION TO REPORT CERTAIN CASES OF MALTREATMENT

18.1. Any health services and social services provider or any professional within the meaning of the Professional Code (chapter C-26) who has reasonable grounds to believe that a person of full age is a victim of a single or repeated act, or a lack of appropriate action, that seriously undermines the physical or psychological integrity of the person must report it immediately if

(1) the person is lodged in a facility maintained by an institution operating a residential and long-term care centre within the meaning of the Act respecting health services and social services; or

(2) the person is under tutorship or curatorship, or is a person for whom a protection mandate has been homologated.

The report is filed with the local service quality and complaints commissioner of the institution where the person receives services, if applicable, or, in any other case, with a police force, to be handled in accordance with Chapter II or Chapter III, as applicable.

This section even applies to persons bound by professional secrecy, except lawyers and notaries who receive information about such a case in the exercise of their profession.

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Section 18.2

AMENDMENT:

Insert after section 18.1:

18.2. The Government may, by regulation, determine that the obligation to report maltreatment provided for in section 18.1 applies in the case of other persons receiving health services and social services.

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Section 33.1

AMENDMENT:

Insert after section 33:

33.1. Despite section 7, the first review of the policy to combat maltreatment of persons in vulnerable situations who receive health services and social services must be carried out not later than *(insert the date that is three years after the date of assent to this Act)*.

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S22

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Heading of Chapter II of Division IV

AMENDMENT:

Replace by:

DIVISION IV
IMPLEMENTATION OF POLICY BY OTHER SERVICE PROVIDERS

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Heading of Chapter III

AMENDMENT:

Replace by:

CHAPTER III
QUÉBEC-WIDE FRAMEWORK AGREEMENT TO COMBAT
MALTREATMENT

*Adopté
SP*