

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 1

AMENDMENT:

Replace paragraph 1 by:

“(1) by inserting “, such as a physical or intellectual disability or an autism spectrum disorder” after “psychological in nature” in paragraph 4.

*Adolph
apc*

SAM 1
AM 2
s. 2 (3)

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 2

AMENDMENT:

Subamendment 1 has been withdrawn and renamed subamendment b.

Adopté APC

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 2

AMENDMENT:

Amendment 2 has been withdrawn and renamed amendment n.

*Adopté
Apc.*

AM 3
s. 3 (4.1)

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 3

AMENDMENT:

Amendment 3 has been withdrawn and renamed amendment o.

*Adopté
apc*

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 3

AMENDMENT:

Insert "within 45 days after receiving it," after "of the Minister responsible for Seniors, approves it" in proposed section 4.2.

*Adopté
Apc*

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 3.1

AMENDMENT:

Insert after section 3:

3.1. Section 5 of the Act is amended by replacing “and their” by “to their caregivers and to their”.

*adopté
APC*

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 4

AMENDMENT:

Insert "within 90 days after receiving it" after "of the Minister responsible for Seniors, the Minister approves the reviewed policy" in proposed section 7.

Adopté APC

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 8

AMENDMENT:

Amendment 7 has been withdrawn and renamed amendment u.

*Adopted
APC*

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 8

AMENDMENT:

Amendment 8 has been withdrawn and renamed amendment p.

*Adopté
APC*

AM 9
s. 9 (17)

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 9

AMENDMENT:

Amendment 9 has been withdrawn and renamed amendment q.

*Adopté
Apc*

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 9

AMENDMENT:

Insert after proposed section 17:

"17.1. The Director of Criminal and Penal Prosecutions designates a resource person for the purposes of Division III of this chapter.

*Adopté
apc*

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 9

AMENDMENT:

In proposed section 18:

1. In the first paragraph:
 - (a) Replace “on the person in a vulnerable situation” in subparagraph 2 by “on the senior or the person in a vulnerable situation”.
 - (b) Replace “the person in a vulnerable situation” in subparagraph 3 by “the senior or the person in a vulnerable situation”.
2. Replace “the person concerned.” in the second paragraph by “the senior or the person in a vulnerable situation. Such consent is not necessary, however, where it must be given by the tutor, curator or mandatary of the senior or the person in a vulnerable situation and that tutor, curator or mandatary is, according to the complaint or report, the maltreating person.”

*Adopté
APC*

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 9

AMENDMENT:

Replace proposed section 19 by:

“19. Where a designated resource person considers that initiating a concerted intervention process would facilitate putting an end to a case of maltreatment, the designated resource person must provide the senior or the person in a vulnerable situation with information related to the scope of the actions that could be undertaken, the support they could receive and the possible outcomes. The designated resource person may also, if he or she considers it advisable, provide them with information on the health services or social services the maltreating person could receive.

*Adopted
APC*

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 9

AMENDMENT:

In proposed section 20:

1. Replace the first paragraph by:

A designated resource person must obtain the consent of the senior or the person in a vulnerable situation for the initiation of a concerted intervention process and for the communication, to other designated resource persons, of personal information that concerns them and that is necessary for conducting a concerted intervention aimed at putting an end to the case of maltreatment of which they are victims.

2. Replace the second paragraph by:

Despite the first paragraph, a designated resource person may initiate a concerted intervention process and communicate, to other designated resource persons, personal information that concerns a senior or a person in a vulnerable situation, without their consent,

(1) where such consent must be given by the tutor, curator or mandatary of the senior or the person in a vulnerable situation and that tutor, curator or mandatary is, according to the complaint or report, the maltreating person;

(2) in order to prevent an act of violence, including a suicide, where the resource person has reasonable cause to believe that there is a serious risk of death or of serious bodily injury threatening the senior or the person in a vulnerable situation and where the nature of the threat generates a sense of urgency.

3. Replace "of the second paragraph" in the third paragraph by "of subparagraph 2 of the second paragraph".

*Adopté
Apc*

AM 14
s. 9 (20.3)

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 9

AMENDMENT:

Amendment 14 has been withdrawn and renamed amendment r.

*Adopté
APC*

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 9

AMENDMENT:

Insert after proposed section 20.3:

“20.3.1. An integrated health and social services centre and a police force that are referred to in section 17 must collaborate in implementing the Québec-wide framework agreement by exercising the functions set out in subparagraph 4 of the second paragraph of section 20.3.

*Adopté
Apc*

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 9

AMENDMENT:

Replace all occurrences of "maltreatment assistance and reference centre" in proposed Chapter III.1 by "maltreatment assistance, assessment and reference centre."

*Adopté
apc*

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 9

AMENDMENT:

Insert after section 9:

9.1. The heading of Chapter IV of the Act is replaced by the following heading:

**“PROTECTION MEASURES SPECIFIC TO CERTAIN CASES OF
MALTREATMENT”.**

*Adopté
APC*

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 10

AMENDMENT:

Replace by:

10. Section 21 of the Act is replaced by the following section:

“21. Any health services and social service provider or any professional within the meaning of the Professional Code (chapter C-26) who, in the exercise of his or her functions or the practice of his or her profession, has reasonable grounds to believe that a person is a victim of maltreatment must report the case without delay where the person is

(1) a user of full age who is lodged in a facility maintained by an institution operating a residential and long-term care centre;

(2) a user of full age who is taken in charge by an intermediate resource or by a family-type resource;

(3) a person of full age who is under tutorship or curatorship or for whom a protection mandate has been homologated;

(4) any person of full age whose incapacity to care for himself or herself or to administer his or her property has been ascertained by medical assessment, but who is not under a protective measure”; or

(5) any other person in a vulnerable situation who is a resident of a private senior’s residence.

The report is filed with the competent local service quality and complaints commissioner where the person of full age concerned is covered by an institution’s anti-maltreatment policy or, in any other case, with a designated resource person

referred to in section 17, to be handled in accordance with Chapter II or Chapter III, as applicable.

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

Anyone who contravenes the provisions of the first paragraph commits an offence and is liable to a fine of \$2,500 to \$25,000. Those amounts are doubled for a subsequent offence."

Adapted
apc

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 10.1

AMENDMENT:

Insert after section 10:

10.1. The Act is amended by inserting the following section after section 21:

“21.1. The following commit an offence and are liable to a fine of \$5,000 to \$125,000 in the case of a natural person, or to a fine of \$10,000 to \$250,000 in any other case:

(1) anyone who commits an act of maltreatment against a user of full age who is lodged in a facility maintained by an institution operating a residential and long-term care centre, a user of full age who is taken in charge by an intermediate resource or family-type resource or a resident of a private seniors' residence, on the premises of such a facility, resource or residence;

(2) an institution, the person responsible for or operator of a resource or residence or a member of their staff that commits an act of maltreatment against a user or resident referred to in subparagraph 1 while the user or resident, who is under the responsibility of the institution, person or operator, as applicable, is outside the premises referred to in that subparagraph; or

(3) a person who, in the exercise of his or her functions, commits an act of maltreatment against a user of full age to whom the person directly provides in-home health services or social services on behalf of an institution.

The amounts of the fines are doubled for a subsequent offence.

For the purposes of this section, residents of a private seniors' residence and persons receiving in-home health services and social services are covered provided they are persons in vulnerable situations within the meaning of section 2.”

*Adopté
Ayc*

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 13.1

AMENDMENT:

Insert after section 13:

ACT TO MODIFY THE ORGANIZATION AND GOVERNANCE OF THE
HEALTH AND SOCIAL SERVICES NETWORK, IN PARTICULAR BY
ABOLISHING THE REGIONAL AGENCIES

13.1. Section 50.2 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (Chapter 0-7.2) is amended by replacing “sections 34” in the second paragraph by “sections 33.1, 34”.

*Adopté
Apc*

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 15

AMENDMENT:

Insert “, including such a situation arising from the application of practices or procedures,” after “group of users” in proposed section 33.1.

*Adopté
apc*

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 2

AMENDMENT:

Replace paragraphs 1 and 2 by:

(1) by inserting “seniors and of” after “maltreatment of” in the first paragraph;

(2) by replacing “of the policy” in the third paragraph by “and application of the policy, to promoting a culture of well-treatment within the institution and to taking the necessary means to prevent maltreatment and to put an end to any case of maltreatment that is brought to their attention”;

(2.1) in the fourth paragraph,

(a) by inserting the following subparagraph after subparagraph 1:

“(1.1) the undertaking by the president and executive director or the executive director of the institution, as applicable, or by the person designated by the president and executive director or the executive director to promote a culture of well-treatment within the institution, in particular in the application of practices or procedures, and to take the necessary means to prevent maltreatment and to put an end to any case of maltreatment that is brought to their attention;”

(b) by replacing “maltreatment of” in subparagraph 2 by “maltreatment of seniors and of”;

(c) by replacing “such persons” in subparagraph 3 by “seniors or persons in vulnerable situations”;

(d) by replacing subparagraph 4 by the following subparagraph:

"(4) the procedure allowing any other person, including a person who does not work for the institution, including a caregiver, to report to the local service quality and complaints commissioner any alleged case of maltreatment of a senior or of a person in a vulnerable situation who receives health services and social services;"

Adopti
ape

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 3

AMENDMENT:

In proposed section 4.1:

1. Replace “any person in a vulnerable situation who believes he or she is a victim of maltreatment and who is not covered” in paragraph 1 by “any senior or any person in a vulnerable situation who believes he or she is a victim of maltreatment and who is not covered”.
2. Replace “a person in a vulnerable situation who is not covered” in paragraph 2 by “a senior or a person in a vulnerable situation who is not covered”.

*Adams
Ape*

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 7.1

AMENDMENT:

Insert after section 7:

7.1. Section 13 of the Act is amended by inserting “seniors and of” after
“maltreatment of”.

*Adopté
Ape*

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 8

AMENDMENT:

Replace by:

8. Section 14 of the Act is amended

(1) by inserting “seniors and of” after “maltreatment of” in the first paragraph;

(2) by inserting the following paragraph after the first paragraph:

“The annual summary of the local commissioner’s activities must set out, among other elements,

(1) the number of complaints and reports concerning cases of maltreatment under examination or being processed at the beginning and at the end of the fiscal year as well as the number of complaints and reports received concerning such cases during the fiscal year, by living environment and by type of maltreatment;

(2) the number of interventions on the commissioner’s own initiative concerning cases of maltreatment being carried out at the beginning and at the end of the fiscal year as well as the number of interventions carried out on the commissioner’s own initiative concerning such cases during the fiscal year, by living environment and by type of maltreatment;

(3) the number of complaints and reports concerning cases of maltreatment received, examined or processed, dismissed on summary examination, refused or abandoned, by type of maltreatment;

(4) the nature of the main recommendations concerning cases of maltreatment made by the local commissioner to the board of directors of the institution concerned and to the department or service manager concerned within such an institution as well as, if applicable, to the highest authority of the resource, body or partnership or the person holding the position of highest authority responsible for the services that are the subject of complaints or reports concerning cases of maltreatment, by type of maltreatment; and

(5) any other element determined by the Minister of Health and Social Services.”

Adopté
apc

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 9

AMENDMENT:

Replace "other persons" in the first paragraph of proposed section 16 by "of persons".

*Adopté
APC*

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 9

AMENDMENT:

Replace “any person in a vulnerable situation who believes he or she is a victim of maltreatment and who is not covered” and “such a person” in the introductory clause of the first paragraph of proposed section 17 by “any senior or any person in a vulnerable situation who believes he or she is a victim of maltreatment and who is not covered” and “a senior or a person in a vulnerable situation who is not covered by such a policy”, respectively.

*Adopté
apc*

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 9

AMENDMENT:

In proposed section 20.3:

1. Replace “other persons” in the first paragraph by “persons”.
2. In the second paragraph:
 - (a) Replace “and the application of” in subparagraph 1 by “and the terms relating to the involvement of the resource persons designated for the purposes of”.
 - (b) In subparagraph 4:
 - i. Replace “to make sure that the bodies referred to in section 17 assume the following functions according to their respective responsibilities” by “referred to in section 17 and the Director of Criminal and Penal Prosecutions to exercise the following functions”.
 - ii. Replace subparagraph *b* by the following subparagraph:
 - (b) designate a representative whose role is, among other things, to offer support for the purposes of any decision relating to the initiation of a concerted intervention process; and
 - iii. Replace “they establish” in subparagraph *c* by “established in the framework agreement”.

*Adopté
apc*

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 18.1

AMENDMENT:

Insert after section 18:

18.1. Section 346.0.6 of the Act is amended by inserting the following paragraph after paragraph 3.2:

“(3.3) the obligation of an operator of a private seniors’ residence and of the agency for the region where the residence is situated to enter into an agreement concerning the provision of certain services to residents and setting out the obligations of the parties in that respect, as well as the minimum content of such an agreement;”.

Adapté APC

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 21.7

AMENDMENT:

Insert after section 21:

21.7. Section 346.0.17.1 of the Act is replaced by the following section:

“346.0.17.1. The operator of a private seniors’ residence who wishes to cease activities, even with respect to only a part of the residence, must transmit a cessation-of-activities plan to the agency concerned at least nine months before the projected date of cessation.

The main purpose of the plan is to ensure that the cessation of activities does not compromise the health and safety of the residents. The plan must set out the steps and actions that will be taken by the operator of the residence over a period of at least six months preceding the cessation. The plan must set out, among other elements,

- (1) the projected date of the cessation of activities;
- (2) the contact information of the persons concerned by the cessation of activities and of any persons acting on their behalf;
- (3) the measures that will be taken by the operator
 - (a) to assist in the relocation of the persons concerned who require it;
- and
 - (b) to properly inform the persons concerned and any persons acting on their behalf of the relocation assistance available to them and of any developments in the situation until the cessation of activities; and

- (4) any other element determined by government regulation.

The agency concerned must notify the operator as well as the Minister of Health and Social Services and the Minister responsible for Seniors in writing of the receipt of the cessation-of-activities plan. In addition, if the agency considers that the plan does not meet the requirements of the second paragraph, it must, in writing and within 30 days after receipt of the plan, notify the operator and provide the latter with the reasons in support of its conclusion in order for the operator to revise the plan as soon as possible.

The agency concerned must approve the operator's cessation-of-activities plan, with or without amendment, within three months after its receipt and transmit a copy of it to the Minister of Health and Social Services and to the Minister responsible for Seniors. Before approving a plan with amendment, the agency must grant the operator a period of at least 10 days to submit observations. The operator must comply with the plan approved by the agency concerned.

All notices that, under the rules set out in the Civil Code respecting the lease of a dwelling, must be given to the lessees prior to the cessation of activities are without effect if they are transmitted before the cessation-of-activities plan is approved by the agency concerned.

This section does not apply where the rights conferred on the operator by a certificate of compliance or a temporary certificate of compliance have been validly transferred to another person in accordance with section 346.0.20."

Adopté
Ape

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 21.8

AMENDMENT:

Insert after section 21.7, introduced by amendment:

21.8. Section 346.0.17.2 of the Act is amended by replacing “did not give the agency concerned a prior notice of intention in accordance with that section” by “did not transmit the required cessation-of-activities plan to the agency concerned for approval in accordance with that section”.

*Adopté
APC*

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 21.9

AMENDMENT:

Insert after section 21.8, introduced by amendment:

21.9. Section 346.0.18 of the Act is amended by adding the following sentence at the end: "The same applies when the agency approves the cessation-of-activities plan of the operator of a private seniors' residence."

*Adopté
ape*

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 28.1

AMENDMENT:

Insert after section 28:

28.1. Section 531.1.3 of the Act is replaced by the following section:

“531.1.3. An operator of a private seniors’ residence or a new lessor referred to in section 346.0.17.2 who contravenes any of the provisions of section 346.0.17.1 commits an offence and is liable to a fine of \$2,500 to \$62,500 in the case of a natural person or \$7,500 to \$187,500 in the case of a legal person.

Penal proceedings for an offence referred to in the first paragraph are prescribed by three years from the date of commission of the offence.”

Adopté APC

Bill 101

**An Act to strengthen the fight against
maltreatment of seniors and other
persons of full age in vulnerable
situations as well as the monitoring of
the quality of health services and social
services**

Section 31.1

AMENDMENT:

Insert after section 31:

31.1. Section 346.0.17.1 of the Act respecting health services and social services (chapter S-4.2), as replaced by section 21.1 of this Act, does not apply to an operator of a private seniors' residence who, before *(insert the date of assent to this Act)*, gave the agency concerned the prior notice of at least six months provided for in that section, as it read on *(insert the date preceding the date of assent to this Act)*.

In addition, section 346.0.17.2 of the Act respecting health services and social services, as amended by section 21.2 of this Act, does not apply to a new lessor if, before *(insert the date of assent to this Act)*, the former operator of the residence gave the agency concerned such a prior notice or if the new lessor gave the prior notice himself or herself pursuant to that section, as it read on *(insert the date preceding the date of assent to this Act)*.

*Adopté
Apc*