NATIONAL ASSEMBLY

FIRST SESSION FORTY-FIRST LEGISLATURE

Bill 118

An Act respecting medical laboratories, orthopedic service centres and respiratory physiology centres operated by an entity other than a health and social services institution

Introduction

Introduced by
Mr. Gaétan Barrette
Minister of Health and Social Services

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EXPLANATORY NOTES

This bill modernizes the regulation of the activities carried on in laboratories, orthopedic service centres and respiratory physiology centres not operated by a health and social services institution in order to improve the quality and safety of the services offered.

The legal framework established continues to rely on the combined effect of different measures to ensure the quality and safety of the services concerned. In addition to introducing a licensing system, the bill requires certain laboratories to obtain accreditation for the services they provide and to appoint a director or person in charge to supervise certain activities. It maintains the Government's regulatory powers to prescribe various standards for the activities carried on in such laboratories and centres, including standards for the layout of premises and the equipment used as well as hygiene and other protection standards.

The proposed measures revise the scope of the current provisions to include such medical imaging activities as ultrasound examinations and examinations performed for research or development purposes. Now also covered in the medical biology field are laboratory analyses performed for physical condition monitoring or genetic characterization purposes and those performed for research or development purposes.

In addition to provisions on the inspection and investigation framework and penal provisions, the bill contains transitional provisions and amending amendments and strikes out old, obsolete measures.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting industrial accidents and occupational diseases (chapter A-3.001);

– Act respecting clinical and research activities relating to assisted procreation (chapter A-5.01);

– Health Insurance Act (chapter A-29);

– Act respecting administrative justice (chapter J-3);

– Act respecting the sharing of certain health information (chapter P-9.0001);

– Act respecting liquor permits (chapter P-9.1);

– Podiatry Act (chapter P-12);

– Environment Quality Act (chapter Q-2);

– Public Health Act (chapter S-2.2);

– Act respecting health services and social services (chapter S-4.2).

LEGISLATION REPLACED BY THIS BILL:

– Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2).

REGULATIONS AMENDED BY THIS BILL:

– Code of ethics of professional technologists (chapter C-26, r. 258);

– Règlement sur la tenue des dossiers et des cabinets de consultation et sur la cessation d'exercice des technologues professionnels (chapter C-26, r. 265, French only);

– Regulation respecting access authorizations and the duration of use of information held in a health information bank in a clinical domain (chapter P-9.0001, r. 1);

– Code of ethics of podiatrists (chapter P-12, r. 5.01);

– Regulation respecting the procedure of the professional inspection committee of podiatrists (chapter P-12, r. 11);

– Minister's Regulation under the Public Health Act (chapter S-2.2, r. 2).

Bill 118

AN ACT RESPECTING MEDICAL LABORATORIES, ORTHOPEDIC SERVICE CENTRES AND RESPIRATORY PHYSIOLOGY CENTRES OPERATED BY AN ENTITY OTHER THAN A HEALTH AND SOCIAL SERVICES INSTITUTION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

1. The purpose of this Act is to regulate the activities carried on in laboratories, orthopedic service centres and respiratory physiology centres not operated by a health and social services institution in order to improve the quality and safety of the services offered.

2. This Act does not apply to the activities carried on in a laboratory, an orthopedic service centre or a respiratory physiology centre operated by a government department, an institution or any other government agency within the meaning of the Auditor General Act (chapter V-5.01).

Nor does this Act apply to activities, persons or classes of persons prescribed by government regulation.

3. For the purposes of this Act,

(1) "respiratory physiology centre" means a person, partnership or association that performs respiratory physiology diagnostic examinations to assess sleep disorders and parasomnia;

(2) "orthopedic service centre" means a person, partnership or association that carries on activities that consist in providing persons with the biomechanical assessment, measurement-taking and mold-making services required for the manufacturing of orthoses or prostheses by an orthopedic laboratory, and sales or adjustment services for such orthoses or prostheses;

(3) "institution" means a health and social services institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5);

(4) "laboratory" means, in addition to an orthopedic laboratory, a person, partnership or association carrying on activities in the following sectors:

(*a*) medical biology;

(*b*) medical imaging; or

(*c*) any other human-health-related sector determined by government regulation;

(5) "medical biology" means the examination or analysis, including point-of-care testing, of a biological specimen collected from a human being for human disease prevention, detection, diagnosis or treatment purposes or for research or development, physical condition monitoring or genetic characterization purposes;

(6) "medical imaging" means the acquisition, extraction, constitution or restoration of an image or a visual representation of, or of digital data collected from, the human body or an area of the human body relating to its anatomy, physiology or metabolism, by means of various physical phenomena, specifically X-ray absorption, nuclear magnetic resonance, ultrasound reflectivity, radioactivity and thermography, for human disease prevention, detection, diagnosis or treatment purposes or for research or development, or physical condition monitoring purposes;

(7) "orthopedic laboratory" means a person, partnership or association that manufactures orthoses or prostheses in whole or in part or repairs them;

(8) "orthosis" means an orthopedic device fitted to a human being, including any manufactured, transformed or altered shoe or the equivalent, intended to ensure the proper functioning of a limb or organ or restore the proper functioning, make up for the limitations or improve the physiological capacity of a limb or organ that has ceased to function, has never fully developed or is affected by a deformity or an abnormality;

(9) "prosthesis" means an orthopedic device intended to replace all or part of a limb or organ of the human body.

4. A reference to a laboratory or centre governed by this Act is, depending on the context, a reference to the premises where activities are carried on or a reference to the entity—the person, partnership or association—operating the laboratory or centre.

CHAPTER II

LICENCE

DIVISION I

LICENCE ISSUE AND RENEWAL

§1. — *General provisions*

5. No one may operate a laboratory, an orthopedic service centre or a respiratory physiology centre unless they hold a licence issued under this Act.

6. An application for a licence or its renewal must be submitted to the Minister in the form determined by government regulation. It must be filed together with the fees set and the documents and information prescribed by government regulation. A renewal application must be received by the Minister within the time prescribed by government regulation.

The Minister may require any additional information or document needed to complete the examination of the application.

7. The Minister issues a licence or renews it if the applicant has the qualifications and meets the conditions prescribed by this Act and the regulations.

The Minister may issue, modify or renew a licence subject to any condition, restriction or prohibition the Minister determines.

8. The licence states the name of the person, partnership or association to whom or which the licence is issued, the type of licence issued, the activity sector of the laboratory operated and, if applicable, the imaging category as well as any area of operation determined by government regulation. It also indicates the place where the activities are carried on, the licence term as determined by government regulation as well as any condition, restriction or other prohibition determined by the Minister.

When a laboratory licence is issued exclusively for research or development purposes, it must state as much.

9. Licensees must carry on their activities in accordance with their licence.

10. Licensees must inform the Minister as soon as possible of any change that may affect the validity of their licence.

In addition, licensees who intend to cease their activities must inform the Minister in writing and the Minister revokes the licence on the date specified in the notice of cessation of activities.

11. A licence may not be transferred without written authorization from the Minister.

12. The Minister issues an extract of the licence for each place where the licensee is authorized to carry on activities.

The licence extract must be conspicuously displayed in public view in each place where the licensee carries on activities so that it is clearly legible.

§2. — *Special provisions applicable to medical imaging laboratories*

13. The provisions of this subdivision do not apply to medical imaging laboratories exclusively carrying on activities for research or development purposes.

14. A medical imaging laboratory may be operated only in the form of

(1) a laboratory where activities are carried on exclusively by professionals subject to an agreement entered into under section 19 of the Health Insurance Act (chapter A-29) or professionals who have withdrawn; or

(2) a laboratory where activities are carried on exclusively by non-participating professionals within the meaning of that Act.

Depending on the form in which a medical imaging laboratory is operated, its operator must ensure that the requirements of the first paragraph are met.

15. A medical imaging laboratory licence may be issued for the following classes:

(1) general medical imaging laboratory; or

(2) specific medical imaging laboratory.

A general medical imaging laboratory licence may be issued only for a laboratory where medical imaging activities are carried on by physicians who hold a specialist's certificate in diagnostic radiology issued by the Collège des médecins du Québec.

A specific medical imaging laboratory licence may be issued only for a laboratory where medical imaging activities exclusively related to the practise of a profession are carried on by physicians other than physicians who hold a specialist's certificate in diagnostic radiology, dentists, chiropractors, podiatrists or any other person empowered by law to do so.

16. The following persons, partnerships or associations may hold a general medical imaging laboratory licence:

(1) a physician who holds a specialist's certificate in diagnostic radiology issued by the Collège des médecins du Québec;

(2) an association all of whose members hold a specialist's certificate in diagnostic radiology issued by the Collège des médecins du Québec; and

(3) a legal person or a partnership more than 50% of whose voting rights attached to the shares of the legal person or the interests in the partnership are held

(*a*) by physicians holding such a certificate; or

(*b*) by a legal person or partnership all of whose voting rights attached to the shares or interests are held

i. by physicians described in subparagraph 1;

ii. by another legal person or partnership all of whose voting rights attached to the shares or interests are held by such physicians; or

iii. both by physicians described in subparagraph 1 and by a legal person or partnership described in subparagraph 2.

The affairs of a legal person, partnership or association to which a general medical imaging laboratory licence is issued must be administered by a board of directors or internal management board a majority of whose members are radiologists practising in the laboratory; such radiologists must at all times form the majority of the quorum of the board of directors or internal management board. The director appointed under section 26 must be a member of the board of directors (board member) and must take part in the deliberations and votes of the board. The shareholders of a legal person or the partners in a partnership that holds a general medical imaging laboratory licence may not enter into an agreement that restricts the power of the board members of the legal person or partnership.

DIVISION II

UNFAVOURABLE DECISIONS OF THE MINISTER

17. The Minister may refuse to issue a general medical imaging laboratory licence if the Minister considers that the operation of the general medical imaging laboratory concerned is not consistent with the services supply plan that the Minister has established taking into account, in particular, accessibility to services.

18. The Minister may suspend, revoke or refuse to renew the licence of any licensee who

(1) has failed to comply with this Act or the regulations;

(2) has been found guilty, in any place, of an indictable or other offence relating to the activities for which the licensee holds a licence, or, in the case of a licensee who is a legal person or partnership, if a board member or officer, or a partner holding 20% or more of the interest in the partnership, a general partner of a limited partnership or a shareholder who, directly or indirectly, can exercise 20% or more of the voting rights attached to a legal person's issued shares, has been found guilty of such an offence, unless a pardon has been obtained;

(3) is unable, in the Minister's opinion, to provide adequate services;

(4) no longer has the qualifications or meets the conditions prescribed by regulation for a licensee or does not comply with a condition, restriction or prohibition specified in the licence; or

(5) has failed to obtain or maintain, as applicable, the service accreditation required by law.

The Minister may also suspend, revoke or refuse to renew a licence if the Minister considers that public health or safety is endangered by the licensee's operations.

19. Instead of suspending, revoking or refusing to renew a licence, the Minister may order the licensee to take the necessary corrective measures within a specified time.

If the licensee does not comply with the Minister's order within the specified time, the Minister may then suspend, revoke or refuse to renew the licence.

20. To protect public health and safety, the Minister may, during the term of a licence, order the licensee to cease carrying on certain activities. The Minister then modifies the licence accordingly.

21. Before suspending, revoking or refusing to issue or renew a licence or issuing an order under section 20, the Minister must notify the applicant or the licensee in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and grant the licensee at least 10 days to submit observations. The Minister's decision must include reasons and be notified in writing to the applicant or licensee.

However, the Minister may make a decision without being bound by that prior obligation if urgent action is required or to prevent irreparable injury. In such a case, the person affected by the decision may, within the time specified in the decision, submit observations to the Minister for a review of the decision.

If the licence is a medical imaging laboratory licence held by a medical imaging laboratory other than a laboratory exclusively carrying on activities for research or development purposes, the Minister's notice must also mention that the prohibition against remuneration if a licence is suspended, revoked or

not renewed, set out in the second paragraph of section 22.0.0.0.1 of the Health Insurance Act, applies. The notice is sent by the licensee to the physicians practising in the laboratory concerned. Similarly, a decision by the Minister to suspend, revoke or refuse to renew the licence must state that the prohibition against remuneration applies. The Minister must send a copy of the decision without delay to the Régie de l'assurance maladie du Québec, which, on receiving it, must inform the physicians practising in the laboratory concerned that the prohibition against their being remunerated applies.

22. A licensee whose licence has been suspended may obtain its reinstatement if the necessary corrective measures are taken to the satisfaction of and within the time specified by the Minister.

If the licensee fails to take the necessary corrective measures within the time specified, the Minister must then revoke or refuse to renew the licence.

23. A licensee whose licence has been revoked or has not been renewed must surrender the licence and the licence extracts to the Minister within 15 days after notification of the Minister's decision.

The Minister may also require that a licensee whose licence has been suspended surrender the licence and the licence extracts.

24. An applicant who has been denied a licence or a licensee whose licence has been suspended, revoked or modified or has not been renewed may contest the Minister's decision before the Administrative Tribunal of Québec within 60 days after notification of the Minister's decision.

CHAPTER III

PROVISIONS APPLICABLE TO LICENSEES

25. Within three years after being issued a first licence, a laboratory, other than an orthopedic laboratory or a laboratory exclusively carrying on activities for research or development purposes, must have the services it provides accredited by an accreditation body recognized by the Minister. The accreditation must subsequently be maintained at all times.

The accreditation report must be sent by the licensee to the Minister within 30 days of obtaining it.

26. A licensee holding a laboratory or respiratory physiology centre licence must appoint a director unless the licensee is a natural person who occupies that position. In both cases, the Minister must be informed of the fact.

The director is responsible for the administration and operation of the laboratory or respiratory physiology centre and must see to the day-to-day management of activities and resources. The director's duties include

(1) organizing the services provided in the premises used for the laboratory's or centre's activities;

(2) ensuring the quality and safety of the services provided;

(3) seeing that standard procedures are established for all examinations, analyses or other activities conducted in the premises used for the laboratory's or centre's activities and that those procedures are followed; and

(4) taking any other measure necessary for the proper operation of the laboratory or centre.

If the laboratory or respiratory physiology centre activities are carried on in two or more places, an assistant director acting under the director's authority must be appointed for each of those places, unless the director personally carries on activities there in accordance with the terms of a government regulation.

27. A licensee holding an orthopedic service centre licence must appoint a person to be in charge of the centre unless the licensee is a natural person who occupies that position. In both cases, the Minister must be informed of the fact.

The person in charge of the centre must, in particular,

(1) ensure the quality and safety of services provided; and

(2) see that standard procedures are established for all examinations, analyses or other activities conducted in the premises used for the centre's activities and that the procedures are followed.

28. A licensee is accountable for the decisions made by the director or the assistant director or, as the case may be, the person in charge in all matters governed by this Act.

29. The director and the assistant director or, as the case may be, the person in charge must have the qualifications and meet the conditions prescribed by government regulation.

30. A licensee must maintain control over the operation of the laboratory, orthopedic service centre or respiratory physiology centre and over the equipment used. The licensee must be the owner or lessee of the premises and the equipment used, the employer of the personnel required for the operation of the laboratory or centre and, as applicable, have the authority required to allow professionals who apply to practise at the laboratory or centre to do so.

31. A licensee must keep an up-to-date activities register.

The form and content of, and the terms governing access to and preservation of, the register are prescribed by government regulation.

32. Licensees that cease their activities must take the necessary measures to inform their clientele.

33. To protect public health and safety, the Government may, by regulation, prescribe hygiene and protection standards for the activities carried on in a laboratory, orthopedic service centre or respiratory physiology centre.

The Government may also, by regulation, prescribe layout, equipment and hygiene standards for the premises used for laboratory, orthopedic service centre or respiratory physiology centre activities, the standards applicable to the operation, control and disposal of the equipment used, technical operating standards as well as personnel qualification requirements.

34. No laboratory or respiratory physiology centre or person acting on its behalf may organize contests or directly or indirectly give anyone bonuses, free consultations, certificates, gifts, samples, discounts or other incentives designed to attract or retain clients.

35. Unless the analysis results from a court order or in other cases determined by government regulation, all laboratory activities must be carried out only on remittance of a prescription issued by a person authorized by law to issue such a prescription in the practice of their profession or of a document attesting that the activity is carried out as part of a research project approved by a research ethics committee.

Subject to the cases determined by government regulation, the results of a medical biology or medical imaging analysis or the report produced by an orthopedic service centre must be communicated to the person who issued the prescription or the person identified in the document relating to the research project and must also be communicated, as applicable, to the attending physician.

36. Licensees holding an orthopedic laboratory licence may not offer their services directly to the public.

An orthopedic laboratory may, however, operate an orthopedic service centre subject to the conditions prescribed by this Act or the regulations. Moreover, the first paragraph does not prevent an orthopedic laboratory from occupying the same premises as an orthopedic service centre.

37. Licensees holding an orthopedic service centre licence may offer in-home services provided they maintain premises set up for client appointments.

Licensees holding a respiratory physiology centre licence may offer in-home services.

CHAPTER IV

REGULATORY POWERS

38. In addition to the powers conferred on it by the other provisions of this Act, the Government may, by regulation,

(1) set the fees payable by a licensee during the term of the licence and how often such fees must be paid;

(2) determine the additional fees that may be charged to a licensee;

(3) determine continuing education requirements for laboratory, orthopedic service centre and respiratory physiology centre personnel;

(4) determine any other measure or standard applicable to the carrying on of an activity governed by this Act that it considers necessary to protect public health and safety; and

(5) determine the regulatory provisions made under this Act whose violation constitutes an offence and prescribe, for each offence, the minimum and maximum fines to which an offender is liable, which may not exceed the amounts specified in section 48.

CHAPTER V

INSPECTION AND INVESTIGATION

39. The Minister may authorize any person to act as an inspector for the purpose of verifying compliance with this Act and the regulations.

40. An inspector may, in the exercise of the functions of office,

(1) at any reasonable time enter any premises where activities governed by this Act are carried on as well as any premises where the inspector has reasonable grounds to believe that such activities are carried on;

(2) take photographs or make recordings of the premises and property found there;

(3) require any information about the activities carried on in those premises that is necessary for the discharge of the functions of office, and require any document or extract of a document containing such information for examination or the making of copies;

(4) conduct any test or analysis or take any measurements; and

(5) open any container or equipment used to carry on activities or ask that it be opened.

An inspector may be accompanied by an expert in a particular matter or request that the licensee under inspection seek an expert opinion and provide the inspector with the resulting report, if such an opinion is considered necessary. The cost of the expert opinion is assumed by the licensee.

41. The Minister may designate any person to investigate any matter relating to the application of this Act and the regulations.

42. Inspectors or investigators must, on request, identify themselves and produce a certificate of authority.

43. No judicial proceedings may be brought against an inspector, expert or investigator for an act performed in good faith in the exercise of the functions of office.

44. If, following an inspection or investigation, the Minister is informed that a medical imaging laboratory, other than a laboratory exclusively carrying on activities for research or development purposes, is being operated without a licence, the Minister must immediately notify the Régie de l'assurance maladie du Québec in writing for the purposes of the prohibition against remuneration set out in the second paragraph of section 22.0.0.0.1 of the Health Insurance Act. On receiving the notice, the Régie must inform the physicians practising in the laboratory concerned that the prohibition against their being remunerated applies.

CHAPTER VI

PENAL PROVISIONS

45. The following persons are guilty of an offence and liable to a fine of $250 to $750 in the case of a natural person and $750 to $2,250 in other cases:

(1) a licensee who fails to preserve a document whose preservation is required or to provide information, reports or other documents that must be provided under this Act or the regulations;

(2) a licensee who contravenes the second paragraph of section 12 or section 23; and

(3) a licensee who fails to keep the register required under section 31.

46. The following persons are guilty of an offence and liable to a fine of $500 to $1,500 in the case of a natural person and $1,500 to $4,500 in other cases:

(1) a licensee who contravenes section 11;

(2) a licensee holding a laboratory licence who contravenes section 25;

(3) a licensee holding a laboratory licence or respiratory physiology centre licence who contravenes the first or third paragraph of section 26;

(4) a licensee holding an orthopedic service centre licence who contravenes the first paragraph of section 27 or 37; and

(5) a licensee holding an orthopedic laboratory licence who contravenes section 36.

47. The following persons are guilty of an offence and liable to a fine of $1,000 to $5,000 in the case of a natural person and $3,000 to $15,000 in other cases:

(1) anyone who contravenes section 5;

(2) a licensee who contravenes section 9 or 32;

(3) a licensee holding a medical imaging laboratory licence who contravenes section 14;

(4) anyone who purports to hold a licence required under this Act or acts in such a manner as to lead to the belief that they hold such a licence;

(5) anyone who hinders an inspector or investigator in the exercise of the functions of office;

(6) anyone who refuses to provide an inspector with information or documents the inspector is entitled to require or examine, or conceals or destroys a document or other object relevant to an inspection; and

(7) anyone who provides the Minister or an inspector in the exercise of the functions of office with information, reports or other documents that must be provided under this Act and that the person knows or should have known to be false or misleading.

48. The following persons are guilty of an offence and liable to a fine of $2,500 to $12,500 in the case of a natural person and $7,500 to $37,500 in other cases:

(1) a licensee holding a laboratory licence or respiratory physiology centre licence who contravenes section 34; and

(2) a licensee holding a laboratory licence who contravenes section 35.

49. A person who, by an act or omission, helps or, by encouragement, advice or consent or by an authorization or an order, induces another person to commit an offence under this Act or the regulations is guilty of an offence and liable to the same penalty as that prescribed for the offence the person helped or induced another person to commit.

50. If an offence is committed by the director or assistant director of a laboratory or respiratory physiology centre, by the person in charge of an orthopedic service centre or by a board member of a legal person, partnership or association without legal personality, the minimum and maximum fines that may be imposed are double those prescribed for a natural person.

51. In any penal proceedings relating to an offence under this Act or the regulations, proof that the offence was committed by a board member, agent or employee of any party is sufficient to establish that it was committed by that party, unless the party establishes that it exercised due diligence, taking all necessary precautions to prevent the commission of the offence.

52. In the case of a subsequent offence, the minimum and maximum fines prescribed in this Act and the regulations are doubled.

CHAPTER VII

MISCELLANEOUS PROVISIONS

53. The Minister may require of a licensee that the licensee provide, in the manner and within the time specified, the statistical data, reports and other information necessary for the discharge of the functions vested in the Minister under this Act or the regulations, provided it is not possible to link that information to a person having received services from the licensee.

54. The Minister of Health and Social Services is responsible for the administration of this Act.

AMENDING PROVISIONS

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

55. Paragraph 2 of section 112 and the first paragraph of section 113 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), amended by paragraph 1 of section 145 of the Funeral Operations Act (2016, chapter 1), are again amended by replacing "Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2)" by "Act respecting medical laboratories, orthopedic service centres and respiratory physiology centres operated by an entity other than a health and social services institution (*insert the year and chapter number of that Act*)".

56. Section 189 of the Act, amended by paragraph 1 of section 145 of the Funeral Operations Act (2016, chapter 1), is again amended by replacing "Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2), prescribed by a health professional and available at any supplier's approved by the Régie de l'assurance maladie du Québec" in subparagraph 4 of the first paragraph by "Act respecting medical laboratories, orthopedic service centres and respiratory physiology centres

operated by an entity other than a health and social services institution (*insert the year and chapter number of that Act*) and available at an orthopedic service centre within the meaning of that Act".

HEALTH INSURANCE ACT

57. Section 1 of the Health Insurance Act (chapter A-29), amended by paragraph 3 of section 145 of the Funeral Operations Act (2016, chapter 1), is again amended by replacing "Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2)" in subparagraph *p* of the first paragraph by "Act respecting medical laboratories, orthopedic service centres and respiratory physiology centres operated by an entity other than a health and social services institution (*insert the year and chapter number of that Act*)".

58. Section 22.0.0.0.1 of the Act is amended by replacing the third paragraph by the following paragraph:

"The Board may recover from the physician, by compensation or otherwise, remuneration it paid to the physician for an insured service furnished

(1) in a specialized medical centre, laboratory or centre for assisted procreation that is operated without a permit or licence; or

(2) after having received notification of a decision by the Minister to suspend, cancel or revoke or refuse to renew the permit or licence for a specialized medical centre, laboratory or centre for assisted procreation."

ACT RESPECTING ADMINISTRATIVE JUSTICE

59. Section 24 of the Act respecting administrative justice (chapter J-3) is amended by replacing "a permit issued to a health services or social services institution, to an organ and tissue bank, to a laboratory" by "a permit or licence issued to a health services or social services institution, to a laboratory, to an orthopedic service centre, to a respiratory physiology centre".

60. Section 3 of Schedule I to the Act, amended by paragraph 2 of section 120 of the Funeral Operations Act (2016, chapter 1), is again amended by replacing "permits under section 41 of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2)" in paragraph 6 by "licences under section 24 of the Act respecting medical laboratories, orthopedic service centres and respiratory physiology centres operated by an entity other than a health and social services institution (*insert the year and chapter number of that Act*)".

ACT RESPECTING MEDICAL LABORATORIES, ORGAN AND TISSUE CONSERVATION AND THE DISPOSAL OF HUMAN BODIES

61. This Act replaces the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2), as amended by the Funeral Operations Act (2016, chapter 1).

ACT RESPECTING THE SHARING OF CERTAIN HEALTH INFORMATION

62. Section 4 of the Act respecting the sharing of certain health information (chapter P-9.0001), amended by paragraph 4 of section 145 of the Funeral Operations Act (2016, chapter 1), is again amended by replacing "a medical diagnostic radiology laboratory within the meaning of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2) or a regulation under that Act" in paragraph 10 by "a specific medical imaging laboratory whose activities are carried on exclusively by physicians within the meaning of the Act respecting medical laboratories, orthopedic service centres and respiratory physiology centres operated by an entity other than a health and social services institution (*insert the year and chapter number of that Act*)".

63. Section 31 of the Act is amended by replacing "a medical imaging laboratory or a medical diagnostic radiology laboratory" by "a general medical imaging laboratory or a specific medical imaging laboratory whose activities are carried on exclusively by physicians".

64. Section 34 of the Act is amended by replacing "medical imaging specialist" by "physician who holds a specialist's certificate in diagnostic radiology issued by the Collège des médecins du Québec".

ACT RESPECTING LIQUOR PERMITS

65. Section 42 of the Act respecting liquor permits (chapter P-9.1), amended by paragraph 5 of section 145 of the Funeral Operations Act (2016, chapter 1), is again amended by striking out "section 44 of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2)," in subparagraph 1 of the first paragraph.

66. Section 86 of the Act, amended by paragraph 5 of section 145 of the Funeral Operations Act (2016, chapter 1), is again amended by striking out "section 44 of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2)," in subparagraph 9 of the first paragraph.

PODIATRY ACT

67. Section 13 of the Podiatry Act (chapter P-12), amended by paragraph 6 of section 145 of the Funeral Operations Act (2016, chapter 1), is again amended

(1) by replacing "an undertaking for the manufacture or sale of orthopaedic shoes or prostheses" in the second paragraph by "an orthopedic laboratory or orthopedic service centre governed by the Act respecting medical laboratories, orthopedic service centres and respiratory physiology centres operated by an entity other than a health and social services institution (*insert the year and chapter number of that Act*)";

(2) by replacing "a permit issued under the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2)" at the end of the third paragraph by "an orthopedic laboratory licence or orthopedic service centre licence".

PUBLIC HEALTH ACT

68. Section 82 of the Public Health Act (chapter S-2.2) is amended by replacing "any chief executive officer" in paragraph 2 by "the director".

69. Section 138 of the Act is amended by replacing "chief executive officer" in paragraph 2 by "director".

OTHER AMENDING PROVISIONS

70. In the following provisions, a reference to the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2) is replaced by a reference to the Act respecting medical laboratories, orthopedic service centres and respiratory physiology centres operated by an entity other than a health and social services institution (*insert the year and chapter number of that Act*):

(1) paragraph 2 of section 2 of the Act respecting clinical and research activities relating to assisted procreation (chapter A-5.01), amended by paragraph 2 of section 145 of the Funeral Operations Act (2016, chapter 1);

(2) section 93 of the Environment Quality Act (chapter Q-2), amended by paragraph 7 of section 145 of the Funeral Operations Act (2016, chapter 1);

(3) paragraph 2 of the first paragraph of section 349.1 of the Act respecting health services and social services (chapter S-4.2).

71. Unless the context indicates otherwise, in any text, a reference to the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies or any of its provisions is a reference to this Act or the corresponding provision of this Act.

REGULATORY AMENDMENTS

CODE OF ETHICS OF PROFESSIONAL TECHNOLOGISTS

72. Section 6 of the Code of ethics of professional technologists (chapter C-26, r. 258) is amended by replacing "a laboratory of prostheses and orthoses or who retains the services of such a laboratory" by "an orthopedic laboratory or orthopedic service centre or who retains the services of such a laboratory or centre".

RÈGLEMENT SUR LA TENUE DES DOSSIERS ET DES CABINETS DE CONSULTATION ET SUR LA CESSATION D'EXERCICE DES TECHNOLOGUES PROFESSIONNELS

73. Section 4 of the Règlement sur la tenue des dossiers et des cabinets de consultation et sur la cessation d'exercice des technologues professionnels (chapitre C-26, r. 265, French only) is amended by replacing "au sens de la Loi sur les laboratoires médicaux, la conservation des organes et des tissus et la disposition des cadavres (chapitre L-0.2)" by "ou un centre de services orthopédiques au sens de la Loi sur les laboratoires médicaux, les centres de services orthopédiques et les centres de physiologie respiratoire exploités par une entité autre qu'un établissement de santé et de services sociaux (*indiquer ici l'année et le numéro de chapitre de cette loi*)".

74. Section 7 of the Regulation is amended by inserting "ou d'un centre de services orthopédiques" after "laboratoire" in the second paragraph.

75. Section 14 of the Regulation is amended by replacing "Loi sur les laboratoires médicaux, la conservation des organes et des tissus et la disposition des cadavres (chapitre L-0.2) et du Règlement d'application de la Loi sur les laboratoires médicaux, la conservation des organes et des tissus et la disposition des cadavres (chapitre L-0.2, r. 1)" at the end of the second paragraph by "Loi sur les laboratoires médicaux, les centres de services orthopédiques et les centres de physiologie respiratoire exploités par une entité autre qu'un établissement de santé et de services sociaux (*indiquer ici l'année et le numéro de chapitre de cette loi*) et des règlements pris pour son application".

REGULATION RESPECTING ACCESS AUTHORIZATIONS AND THE DURATION OF USE OF INFORMATION HELD IN A HEALTH INFORMATION BANK IN A CLINICAL DOMAIN

76. Section 14 of the Regulation respecting access authorizations and the duration of use of information held in a health information bank in a clinical domain (chapter P-9.0001, r. 1) is amended by replacing "a medical imaging laboratory or a medical diagnostic radiology laboratory, within the meaning, respectively, of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2) and the Regulation respecting the application of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2, r. 1)" by "a general medical imaging laboratory or a specific medical imaging

laboratory where activities are carried on exclusively by physicians within the meaning of the Act respecting medical laboratories, orthopedic service centres and respiratory physiology centres operated by an entity other than a health and social services institution (*insert the year and chapter number of that Act*)".

CODE OF ETHICS OF PODIATRISTS

77. Section 30 of the Code of ethics of podiatrists (chapter P-12, r. 5.01) is amended by replacing "a podiatric orthosis laboratory or a manufacturer of medications, orthopedic shoes, prostheses" in paragraph 4 by "an orthopedic laboratory or a manufacturer of medications".

REGULATION RESPECTING THE PROCEDURE OF THE PROFESSIONAL INSPECTION COMMITTEE OF PODIATRISTS

78. Section 1.02 of the Regulation respecting the procedure of the professional inspection committee of podiatrists (chapter P-12, r. 11) is amended by replacing "within the meaning of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2)" in subparagraph i of paragraph *b* by "or an orthopedic service centre within the meaning of the Act respecting medical laboratories, orthopedic service centres and respiratory physiology centres operated by an entity other than a health and social services institution (*insert the year and chapter number of that Act*)".

MINISTER'S REGULATION UNDER THE PUBLIC HEALTH ACT

79. Section 1 of the Minister's Regulation under the Public Health Act (chapter S-2.2, r. 2) is amended by replacing "any chief executive officer" in the first paragraph by "the director".

80. Section 2 of the Regulation is amended by replacing "any chief executive officer" by "the director".

81. Section 5 of the Regulation is amended by replacing "any chief executive officer" in the first paragraph by "the director".

82. Section 7 of the Regulation is amended by replacing "A chief executive officer" wherever it appears by "The director".

TRANSITIONAL AND FINAL PROVISIONS

83. In order to distribute the examination of applications for the renewal of laboratory licences or orthopedic service centre licences over time, the Minister may, when issuing such licences for the year (*insert the year that follows the date of coming into force of this section*), provide that they be valid for a different term than that prescribed by a regulation made under the first paragraph of section 8.

84. Despite any provision to the contrary, the holder of a medical imaging laboratory permit issued before the (*insert the date of coming into force of section 5*) retains the permit until its expiry date. If a medical imaging laboratory permit holder carries on activities in two or more places, the first licence issued under this Act is amended on the expiry of the permit for one of those places in order to add the place concerned.

85. The provisions of this Act come into force on the date or dates to be set by the Government.