



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 123

An Act to amend various provisions in the field of health and social services

Introduction

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

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EXPLANATORY NOTES

This bill amends various Acts relating to the field of health and social services.

The bill amends the Act to prevent skin cancer caused by artificial tanning to confer immunity from proceedings on minors participating in tests to ascertain compliance with that Act.

The bill also amends the Act respecting the Institut national d'excellence en santé et en services sociaux with respect to the publishing deadline for the institute's recommendations concerning updating lists of medications.

The Act respecting the sharing of certain health information is amended to allow the Minister to use data from the electronic prescription management system for medication when exercising the functions of office.

The Public Health Act is amended to entrust new responsibilities to nurses and midwives who detect reportable diseases.

Amendments proposed by the bill to the Act respecting health services and social services include

(1) giving the Minister a regulatory power to determine the financial allowances that may be granted to intermediate or family-type resources to pay certain personal expenses of the children they are responsible for;

(2) updating the manner in which institutions must report or present certain financial information; and

(3) granting the Minister the power to inspect private seniors' residences.

Lastly, the bill clarifies or corrects certain provisions and contains various consequential amendments.

LEGISLATION AMENDED BY THIS BILL:

- Act to prevent skin cancer caused by artificial tanning (chapter C-5.2);
- Act respecting Héma-Québec and the biovigilance committee (chapter H-1.1);
- Act respecting the Institut national d'excellence en santé et en services sociaux (chapter I-13.03);
- 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);
- Act respecting the sharing of certain health information (chapter P-9.0001);
- Public Health Act (chapter S-2.2);
- Act respecting health services and social services (chapter S-4.2).

REGULATION AMENDED BY THIS BILL:

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

Bill 123

AN ACT TO AMEND VARIOUS PROVISIONS IN THE FIELD OF HEALTH AND SOCIAL SERVICES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT TO PREVENT SKIN CANCER CAUSED BY ARTIFICIAL TANNING

1. Section 6 of the Act to prevent skin cancer caused by artificial tanning (chapter C-5.2) is amended by adding the following paragraph at the end:

“This section does not apply to a minor acting as part of a test to ascertain compliance with the first paragraph.”

ACT RESPECTING HÉMA-QUÉBEC AND THE BIOVIGILANCE COMMITTEE

2. Section 54.13 of the Act respecting Héma-Québec and the biovigilance committee (chapter H-1.1), enacted by section 15 of chapter 11 of the statutes of 2013, is replaced by the following section:

“**54.13.** Despite article 45 of the Civil Code, if cardiac and breathing functions have ceased simultaneously and irreversibly and are not maintained artificially, tissues may be removed by Héma-Québec once the death of the donor has been attested by a physician who does not participate either in the removal or in the transplantation.”

ACT RESPECTING THE INSTITUT NATIONAL D’EXCELLENCE EN SANTÉ ET EN SERVICES SOCIAUX

3. Section 8 of the Act respecting the Institut national d’excellence en santé et en services sociaux (chapter I-13.03) is amended

(1) by replacing “30 days after being sent” by “between the thirtieth and sixtieth day after they are sent”;

(2) by inserting “or section 116.1 of the Act respecting health services and social services (chapter S-4.2)” after “section 60.0.1 of the Act respecting prescription drug insurance (chapter A-29.01)”;

(3) by replacing “of that Act” by “of the Act respecting prescription drug insurance or the third paragraph of section 116.1 of the Act respecting health services and social services”.

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

4. Section 77 of 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) is amended by replacing “integrated health and social services centre” in the third paragraph by “institution”.

5. The Act is amended by inserting the following section after section 123:

“123.1. For the purposes of paragraph 7 of section 91 of the Act, the members are appointed by the Government after consultation, respectively, with the integrated centre resulting from the amalgamation of the Montréal health and social services agency and other institutions and with the integrated centre resulting from the amalgamation of the Laval health and social services agency and other institutions.”

6. Section 127 of the Act is repealed.

7. Section 131 of the Act is amended by striking out the second paragraph.

ACT RESPECTING THE SHARING OF CERTAIN HEALTH INFORMATION

8. Section 12 of the Act respecting the sharing of certain health information (chapter P-9.0001) is amended by replacing “le sont” in the French text by “sont communiqués”.

9. Section 33 of the Act is amended

(1) by inserting the following paragraph after paragraph 10:

“(10.1) the date and time of the next medical imaging examination shown on the examination request;”;

(2) by inserting “and professional contact information” at the end of paragraphs 11 and 17.

10. Section 104 of the Act is amended by inserting “or in the electronic prescription management system for medication” after “clinical domains” in the introductory clause of the first paragraph.

11. Section 114 of the Act is amended by replacing “and, if applicable, of the” by “or”.

12. Section 115 of the Act is amended by replacing “and, if applicable, of the” in the first paragraph by “or”.

13. Section 121 of the Act is amended by replacing “is kept” by “may be used” in paragraph 5.

PUBLIC HEALTH ACT

14. Section 82 of the Public Health Act (chapter S-2.2) is amended by inserting the following paragraphs after paragraph 1:

“(1.1) any nurse who, when carrying out activities in accordance with subparagraph 4 of the second paragraph of section 36 of the Nurses Act (chapter I-8), detects an infection that can be transmitted sexually or through blood, or who detects such an infection when applying a collective prescription that allows nurses to assess symptomatic persons;

“(1.2) any midwife who detects a sexually transmitted disease during any of the examinations and analyses that a midwife may prescribe, conduct or interpret under section 1 of the Regulation respecting the examinations and analyses that a midwife may prescribe, conduct or interpret in the practice of midwifery (chapter S-0.1, r. 11);”.

15. Section 93 of the Act is amended by inserting the following paragraph after the first paragraph:

“However, in the case of a threat to the health of the population arising from a sexually transmitted biological agent, a physician shall, if he or she deems it advisable, notify the director.”

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

16. Section 8 of the Act respecting health services and social services (chapter S-4.2) is amended by replacing “the state of health or welfare of the user, a personnel member, a professional involved or a third person” at the end of the third paragraph by “a user’s state of health or welfare”.

17. Section 19.1 of the Act is amended by replacing “an ethics” and “the ethics committee” in the second paragraph by “a research ethics” and “that committee”, respectively.

18. Section 19.2 of the Act is amended by inserting “and, in the case of a research project, that the project has been approved by a research ethics committee” after “satisfied” in the second paragraph.

19. Section 86 of the Act is amended by replacing “a pervasive developmental” in paragraph 1 by “an autism spectrum”.

20. Section 183.2 of the Act is amended by replacing “the state of health or welfare of a user, a personnel member, a professional involved or a third person” in the second paragraph by “a user’s state of health or welfare”.

21. Section 183.4 of the Act is amended by replacing “the records and minutes of a risk management committee” in the first paragraph by “the information or documents obtained or produced in the course of risk management activities”.

22. Section 209 of the Act is amended

(1) by replacing “second” in the fourth paragraph by “third”;

(2) by replacing “fourth” in the sixth paragraph by “fifth”.

23. Section 233.1 of the Act is amended by replacing “, which shall be filed in the user’s record” at the end of the first paragraph by “. In the case of an accident, the form shall be filed in the user’s record”.

24. Section 269 of the Act is replaced by the following section:

“269. Sums received as a gift, legacy, subsidy or other form of contribution shall be recorded by the institution in accordance with the accounting standards set out in the financial management manual published by the Minister under section 477.

If a contribution, other than contributions granted by the Gouvernement du Québec or a department or agency referred to in section 268, was made for special purposes, the amount must be deposited or invested in accordance with the provisions of the Civil Code that relate to investments presumed sound, until it is used for the special purposes for which the contribution was made.

If the sums were granted for the specific purpose of providing the institution with capital that must be preserved and of which only the income may be used, the amount must be administered in the manner set out in the second paragraph.

The institution’s annual financial report must show the various contributions referred to in this section separately.”

25. Section 271 of the Act is amended

(1) by replacing “any fund referred to in” and “such a fund” in the first paragraph by “the contributions referred to in the second and third paragraphs of” and “such contributions”, respectively;

(2) by replacing “The funds” and “such funds” in the second paragraph by “The contributions” and “such contributions”, respectively;

(3) by replacing both occurrences of “the funds” in the third paragraph by “the contributions”.

26. Section 293 of the Act is amended by striking out “, in particular those determined by regulation under paragraph 8 of section 505 and, if the case arises, those”.

27. Section 295 of the Act is amended by replacing “30 June” in the first paragraph by “15 June”.

28. The Act is amended by inserting the following section after section 303:

“303.0.1. The Minister may, by regulation, determine the amounts that may be paid to an intermediate resource as a financial allowance to pay certain personal expenses, identified in the regulation, of the children it takes in charge and the conditions for obtaining such an allowance.”

29. Section 310 of the Act is amended by replacing “a pervasive developmental” in the third paragraph by “an autism spectrum”.

30. Section 314 of the Act is amended by inserting “303.0.1,” after “303,”.

31. The Act is amended by inserting the following section after section 346.0.9:

“346.0.9.1. The Minister has the power of inspection provided for in section 346.0.8. Section 346.0.9 applies to the person authorized by the Minister to carry out such an inspection.”

32. Section 346.0.21 of the Act is amended by adding the following sentence at the end of the first paragraph: “However, a temporary certificate of compliance referred to in the second paragraph of section 346.0.3 may be denied in the case of a resource or category of resources offering lodging if the lodging service planning established by the Minister for the region does not justify the presence of additional resources.”

33. Section 505 of the Act is amended by striking out paragraph 8.

34. Schedule II to the Act is repealed.

MINISTER’S REGULATION UNDER THE PUBLIC HEALTH ACT

35. Section 2 of the Minister’s Regulation under the Public Health Act (chapter S-2.2, r. 2) is amended by inserting “or, in the cases referred to in paragraphs 1.1 and 1.2 of section 82 of the Act, by any nurse or midwife” after “physician”.

36. Section 4 of the Regulation is amended by inserting “or, in the cases referred to in paragraphs 1.1 and 1.2 of section 82 of the Act, any nurse or midwife” after “physician” in the first paragraph.

37. Section 6 of the Regulation is amended

(1) by inserting “or, in the cases referred to in paragraphs 1.1 and 1.2 of section 82 of the Act, any nurse or midwife” after “physician” in the first paragraph;

(2) by inserting “, the nurse or the midwife, as the case may be” at the end of the second paragraph.

TRANSITIONAL AND FINAL PROVISIONS

38. Any certificate of compliance issued before 4 August 2016 to the operator of a resource offering addiction lodging is deemed to have been validly issued.

39. This Act comes into force on (*insert the date that is 15 days after the date of assent to this Act*), except sections 14 and 35 to 37, which come into force on (*insert the date that is six months after the date of assent to this Act*).

