



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 113

**An Act to amend the Act respecting
health services and social services as
regards the safe provision of health
services and social services**

Introduction

**Introduced by
Mr François Legault
Minister of Health and Social Services**

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EXPLANATORY NOTES

This bill makes amendments to the Act respecting health services and social services as regards the safe provision of health services and social services.

It provides that a user has the right to be informed of any incident or accident having occurred during the provision of services that has significant potential consequences for the user's state of health or welfare. Furthermore, any person working in an institution who has been involved in or become aware of such an incident or accident will be under obligation to report the incident or accident.

Every institution will be required to form a risk management committee, responsible for seeking, developing and promoting means to ensure the safety of users and to reduce the incidence of adverse effects and accidents related to the provision of health services and social services.

In addition, the board of directors of every institution will be required to make rules concerning disclosure of all necessary information to the user when an incident or accident occurs, and to establish support measures to be made available to the user as well as measures to prevent the recurrence of such an incident or accident.

Finally, the bill makes regional boards responsible, in their region, for ensuring users the safe provision of health services and social services.

Bill 113

AN ACT TO AMEND THE ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES AS REGARDS THE SAFE PROVISION OF HEALTH SERVICES AND SOCIAL SERVICES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 2 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by inserting the following paragraph after paragraph 8 :

“(8.1) to ensure users the safe provision of health services and social services;”.

2. Section 8 of the said Act is amended by adding the following paragraph at the end :

“The user is also entitled to be informed, as soon as possible, of any incident or accident having occurred during the provision of services that has significant actual or potential consequences for the user’s state of health or welfare and of the measures taken to correct the consequences suffered, if any, or to prevent such an incident or accident from recurring.”

3. Section 100 of the said Act is amended by inserting “safe,” after “provision of” in the first line.

4. The said Act is amended by inserting the following section after section 107 :

“107.1. Every institution must have the health services and social services it provides accredited by a recognized accreditation body.

On receiving a response concerning the accreditation, the institution shall inform, in writing, the Minister, the regional board and the various interested professional orders the members of which practice in a centre operated by that institution.”

5. Section 172 of the said Act is amended by inserting “, safety” after “quality” in paragraph 1.

6. Section 182 of the said Act, amended by section 46 of chapter 43 of the statutes of 2001, is again amended by inserting “183.1,” after “173,”.

7. The said Act is amended by inserting the following sections after section 183:

“183.1. The organization plan of an institution must also provide for the creation of a risk management committee.

The number of members of that committee and the rules governing its functioning shall be determined by by-law of the board of directors of the institution.

The composition of the committee shall ensure a balanced representation of the employees of the institution, of users, of the persons practising in a centre operated by the institution and, if applicable, of the persons who, under a service contract, provide services to users on behalf of the institution. The executive director or the person the executive director designates shall be *ex officio* a member of the committee.

“183.2. The functions of the committee are to seek, develop and promote ways to

(1) ensure the safety of users; and

(2) reduce the incidence of adverse effects and accidents related to the provision of health services and social services.

“183.3. The answers given or statements made by a person in the course of risk management activities, including any information or document supplied in good faith by the person in response to a request of a risk manager or a risk management committee may not be used or be admitted as evidence against the person in a judicial proceeding or a proceeding before a person or body exercising adjudicative functions.

Notwithstanding any inconsistent provision, a risk manager or a member of a risk management committee may not be compelled to make a deposition in a judicial proceeding or a proceeding before a person or body exercising adjudicative functions concerning any confidential information obtained in the exercise of his or her functions, or to produce a document containing such information, except to confirm its confidential nature.

Nothing contained in a risk management record, including the conclusions with reasons and any related recommendations, may be construed as a declaration, recognition or extrajudicial admission of professional, administrative or other misconduct capable of establishing the civil liability of a party in a judicial proceeding.”

8. The said Act is amended by inserting the following section after section 233:

“233.1. Any employee of an institution, any person practising in a centre operated by an institution, any person undergoing training in such a centre or any person who, under a service contract, provides services to users on behalf of an institution must report, as soon as possible, to the executive director of an institution or, if there is no such director, to the person holding the position of highest authority in the institution, any incident or accident he or she was involved in or became aware of that has significant actual or potential consequences for the state of health or welfare of a user. Such incidents or accidents shall be reported on the form provided for such purposes.

Immediately upon being informed, the executive director of the institution or, if there is no such director, the person holding the position of highest authority in the institution, shall notify the regional board.”

9. The said Act is amended by inserting the following section after section 235:

“235.1. The board of directors of an institution shall, by by-law, establish rules to be followed, on the occurrence of an incident or accident having significant actual or potential consequences for a user’s state of health or welfare, so that all the necessary information is disclosed to the user or, in the event of the user’s death, to the persons referred to in the first paragraph of section 23.

The board of directors shall also establish support measures to be made available to such a user or such persons and measures to prevent such an incident or accident from recurring.”

10. Section 278 of the said Act is amended by inserting “, including activities related to risk management,” after “activities”.

11. Section 340 of the said Act, amended by section 48 of chapter 24 of the statutes of 2001, is again amended by inserting the following subparagraph after subparagraph 1 of the second paragraph:

“(1.1) ensuring users the safe provision of health services and social services;”.

12. Section 391 of the said Act is amended

(1) by inserting “, including activities related to risk management,” after “activities” in the fourth line of the second paragraph;

(2) by inserting “, including activities related to risk management,” after “activities” in the first line of the fourth paragraph.

13. Section 431 of the said Act, amended by section 82 of chapter 24 of the statutes of 2001 and by section 164 of chapter 60 of the statutes of 2001, is again amended by inserting the following paragraph after paragraph 6:

“(6.1) takes measures to ensure users the safe provision of health services and social services;”.

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