

Bill 15

**An Act to make the health and social
services system more effective**

Section 308

AMENDMENT:

1. Replace “holds a certificate of no judicial record issued in accordance with subparagraph 1 of the first paragraph of section 309, or a certificate of no judicial record related to” and “a determined activity within an institution, issued under the second paragraph of section 313” in the first paragraph by “is the subject, in accordance with this division, of a verification of judicial record entries” and “such an activity”, respectively.
2. Strike out “, in Santé Québec’s opinion,” in subparagraph 2 of the second paragraph.
3. Replace “require that a person referred to in the first paragraph submit to it again either of the two certificates referred to in that paragraph” in the third paragraph by “ensure that a person is the subject of the verification provided for in that paragraph”.

Adopté

Bill 15

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services system more effective**

Section 308.1

AMENDMENT:

Insert after section 308:

308.1. A request by a private institution for verification of a judicial record is to be made to a police force in Québec.

The institution must, for that purpose, obtain the consent of the person who is the subject of the verification for

(1) the verification of their judicial record and the communication to any police force of the information necessary for the verification; and

(2) the sending by the police force to the institution of any document provided for in the first paragraph of section 309.

A reproduction of the consent must be submitted with the request to the police force.

Adoptée

Bill 15

**An Act to make the health and social
services system more effective**

Section 309

AMENDMENT:

1. Replace the introductory clause of the first paragraph by the following introductory clause: "A police force that conducts a verification is required to issue one of following documents to the institution that requested it, as applicable:".
2. Add the following sentence at the end of the second paragraph: "No private institution may have those costs paid, even indirectly, by a member of its personnel or by a person who wishes to become a member of its personnel."
3. Add the following paragraphs at the end:

The institution must send to the person who is the subject of the verification a copy of the document that was issued to it.

The certificate of no judicial record issued under subparagraph 1 of the first paragraph is valid for a period of three years.

Adopted

Bill 15

**An Act to make the health and social
services system more effective**

Section 309.1

AMENDMENT:

Insert after section 309:

309.1. No person who has received a list of their judicial record entries that includes an entry referred to in subparagraph 1 of the second paragraph of section 308 may engage in the determined activities in a facility maintained by a private institution.

Adopted

Bill 15

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services system more effective**

Section 310

AMENDMENT:

Replace by:

310. A person who has received a list of their judicial record entries that does not include any entry referred to in subparagraph 1 of the second paragraph of section 308 must, if they wish to continue or begin engaging in a determined activity in a facility maintained by a private institution, request the institution to decide whether the entries on the list are related to the aptitudes required and appropriate conduct for engaging in such an activity.

Adopted

Bill 15

**An Act to make the health and social
services system more effective**

Section 312

AMENDMENT:

Replace by:

312. The institution that must decide whether judicial record entries are related to the aptitudes required and appropriate conduct for engaging in an activity must send the judicial record list to Santé Québec if the person who is the subject of the verification is the institution's most senior officer, a candidate for that office or a person related to the natural person responsible for making the decision within the institution. The decision is then made by Santé Québec.

For the purposes of the first paragraph, a person is related to another person if that other person is

- (1) the person's spouse or child, the child of the person's spouse, the person's father, mother or parent, uncle or aunt, or brother or sister, or their spouses;
- (2) the person's partner or the partnership in which the person is a partner;
- (3) a legal person controlled by the person or by a person referred to in subparagraph 1;
- (4) a legal person in which the person holds, directly or indirectly, 10% or more of all voting rights attached to the shares issued by that legal person or 10% or more of all such shares;
- (5) a legal person of which the person is a director or officer; or
- (6) a person, other than a financial institution or Santé Québec, who directly or indirectly grants the person a security, a loan or any other economic benefit in relation to the constitution of the private institution or the funding of its activities.

Adopté

Bill 15

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services system more effective**

Section 313.1

AMENDMENT:

Insert after section 313:

313.1. No person to whom a notice of the presence of judicial record entries has been issued may engage in the determined activities referred to in section 308 in a facility maintained by a private institution.

*Adopté
DC*

Bill 15

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services system more effective**

Section 314.1

AMENDMENT:

Insert after section 314:

314.1. An institution is not required to ensure that a person referred to in section 308 is the subject of the verification provided for in that section if the person

(1) holds a valid certificate of no judicial record issued under subparagraph 1 of the first paragraph of section 309 or the second paragraph of section 313 attesting that they do not have any judicial record entries related to aptitudes required and appropriate conduct for engaging in the activity they are engaging in or intend to engage in within the institution; and

(2) provides an affidavit attesting that they have not been accused or convicted, since the certificate was issued, of an offence referred to in the second paragraph of section 308.

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Bill 15

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services system more effective**

Section 314.2

AMENDMENT:

Insert after section 314.1, introduced by amendment:

314.2. Santé Québec prepares a judicial record verification guide for private institutions and ensures its dissemination.”

*Adapté
PC*

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services system more effective**

Section 314.3

AMENDMENT:

Insert after section 314.2, introduced by amendment:

314.3. Santé Québec may, by regulation, prescribe any terms it considers necessary for the application of the judicial record verification provided for in this division to persons who have been residing in Canada for less than a year and to persons having resided outside Canada for the period provided for in the regulation.

Adopté

Bill 15

**An Act to make the health and social
services system more effective**

Section 311

AMENDMENT:

311. A person who submits a request under section 310 may, for that purpose, submit observations to the institution.

Adopted

Bill 15

**An Act to make the health and social
services system more effective**

Section 313

AMENDMENT:

Replace by:

313. If an institution or Santé Québec decides that a person's judicial record entries are related to the aptitudes required and appropriate conduct for engaging in a determined activity in one of its facilities, it issues the person a notice to that effect.

Otherwise, it issues to the person a certificate of no judicial record attesting that the person has no judicial record related to the aptitudes required and appropriate conduct for engaging in such an activity. The certificate is valid for a period of three years.

Santé Québec also sends the institution a copy of the notice or certificate issued to the person who is the subject of the verification.

The institution keeps any notice or certificate it issues or receives.

The Government prescribes, by regulation, the form and content of the certificate.

Adopté

Bill 15

**An Act to make the health and social
services system more effective**

Section 1055

AMENDMENT:

In proposed section 18.1:

1. Insert the following paragraph after the first paragraph:

Such a person may also, at any reasonable time, enter any premises where they have cause to believe that medical aid in dying is associated with a good or service supplied in the course of a commercial activity or that an amount related to obtaining such aid has been charged, in order to verify compliance with section 50.2.

2. Replace “those premises” in subparagraph 1 of the second paragraph by “premises referred to in the first paragraph or any document relating to the promotion or advertising of a good or service referred to in section 50.2 or relating to an amount referred to in that section”.

3. Strike out “commits an offence and” in the fifth paragraph.

Adopted

Bill 15

**An Act to make the health and social
services system more effective**

Section 1058.1

AMENDMENT:

Insert after section 1058:

1058.1. Section 29.10 of the Act is amended by replacing “register kept by the Minister in accordance with subparagraph 5 of the second paragraph of section 521 of the Act respecting health services and social services (chapter S-4.2)” by “register kept by Santé Québec in accordance with subparagraph 6 of the second paragraph of section 66.1 of the Act to make the health and social services system more effective (*insert the year and chapter number of that Act*)”.

Adopté

Bill 15

**An Act to make the health and social
services system more effective**

Section 1054

1. Replace “the rights and remedies of end-of-life patients” in paragraph 1 by “patients’ rights relating to those services and of patients’ remedies”.
2. Replace “the agencies” in the second paragraph by “Santé Québec” in paragraph 2 by “websites of the agencies” in the second paragraph by “website of Santé Québec”.

Adopté

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**An Act to make the health and social
services system more effective**

Section 1061.1

AMENDMENT:

Insert after section 1061:

1061.1. Section 36 of the Act, amended by section 29 of chapter 15 of the statutes of 2023, is again amended, in the first paragraph,

(1) by replacing “practising in a private health facility that provides” by “who provide”;

(2) by replacing “at the patient’s home or in the premises of a palliative care hospice” by “, otherwise than as physicians or specialized nurse practitioners practising in a centre operated by a public institution, in the facilities of a private institution, in the premises of a palliative care hospice, at the patient’s home or in another place”.

Adopted

Bill 15

**An Act to make the health and social
services system more effective**

Section 1060.1

AMENDMENT:

Insert after section 1060:

1060.1. Section 34 of the Act, amended by section 26 of chapter 15 of the statutes of 2023, is amended again, in the first paragraph,

(1) by replacing “by an institution” in the first paragraph by “by a public institution”;

(2) by replacing “or at the patient’s home” by “, at the patient’s home or in another place”.

Adopted