



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 16

An Act to amend various legislative provisions concerning health and social services in order, in particular, to tighten up the certification process for residences for the elderly

Introduction

**Introduced by
Madam Dominique Vien
Minister for Social Services**

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EXPLANATORY NOTES

This bill amends various provisions concerning health and social services mainly with respect to residences for the elderly and joint procurement groups for goods and services for health and social services agencies and institutions.

A residence for the elderly is given a new definition in the Act respecting health services and social services and new operating rules for such a residence are introduced, including the obligation to hold a temporary certificate of compliance to begin operating one. The provisions of the Act relating to maintaining or renewing a certificate of compliance are amended, and health and social services agencies are granted the power to evacuate and relocate persons lodged in a residence for the elderly in certain circumstances and following a specific procedure.

The Minister of Health and Social Services is granted the power to determine the number of groups and the regions the joint procurement groups of the health and social services agencies and institutions are to serve. Provision is made for the manner in which joint procurement groups will be constituted, their purpose and functions and the make-up of their board of directors. Each group will be required to enter into a management and accountability agreement with the agencies whose area of jurisdiction it serves, and the agencies will have certain obligations with respect to joint procurement. The Minister will be required to draw up a multi-year joint procurement plan and an action plan to implement it.

Moreover, specific amendments are made to the duration of laboratory permits, the name of certain health and social services institutions and oversight with respect to the carrying out of the Tobacco Act.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Building Act (R.S.Q., chapter B-1.1);

- Act respecting contracting by public bodies (R.S.Q., chapter C-65.1);
- Act respecting Héma-Québec and the haemovigilance committee (R.S.Q., chapter H-1.1);
- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (R.S.Q., chapter L-0.2);
- Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2);
- Act respecting health services and social services (R.S.Q., chapter S-4.2);
- Tobacco Act (R.S.Q., chapter T-0.01);
- Act to amend various legislative provisions concerning specialized medical centres and medical imaging laboratories (2009, chapter 29).

Bill 16

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING HEALTH AND SOCIAL SERVICES IN ORDER, IN PARTICULAR, TO TIGHTEN UP THE CERTIFICATION PROCESS FOR RESIDENCES FOR THE ELDERLY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

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

1. Section 37 of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (R.S.Q., chapter L-0.2) is amended by adding the following paragraph at the end:

“However, a medical imaging laboratory permit is granted for a period of 24 months. It is renewed for the same period if its holder fulfills the conditions prescribed under the first paragraph. The same applies to any other laboratory permit determined by government regulation.”

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

2. Section 84 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended

(1) by replacing “psychosocial or family difficulties, alcoholism or other problems of addiction” in the first paragraph by “or psychosocial or family difficulties, or because of alcoholism, drug addiction, pathological gambling or any other form of addiction”;

(2) by replacing “suffering from and, mainly on referral, persons suffering from alcoholism or other problems of addiction” in the second paragraph by “with an impairment and, mainly on referral, persons with an addiction”.

3. Section 86 of the Act is amended by replacing paragraph 3 by the following paragraph:

“(3) rehabilitation centres for persons with an addiction;”.

4. The Act is amended by inserting the following section after section 87:

“87.1. Only an institution that operates both a child and youth protection centre and a rehabilitation centre for young persons with adjustment problems

or a rehabilitation centre for mothers with adjustment problems, to the exclusion of all other missions, may use “youth centre” in its name.”

5. Section 124 of the Act is amended by replacing “who suffer from alcoholism or other problems of addiction” by “with an addiction”.

6. Section 338 of the Act is replaced by the following section:

“338. Every community organization or provincial group that receives a subsidy in one of the cases described in section 336 or 337 must, not later than 30 June each year, send its activity report and its financial report to the authority from which it received the subsidy.”

7. Section 346.0.1 of the Act is amended

(1) by replacing the second paragraph by the following paragraph:

“For the purposes of this Act, a residence for the elderly is all or part of a congregate residential facility occupied or designed to be occupied mainly by persons 65 years of age or over; in addition to leasing rooms or apartments, the operator of the residence offers various services included in at least two of the following categories of services, defined by regulation: meal services, personal assistance services, nursing care services, domestic help services, security services or recreation services. The cost of those services may be included in the rent or paid in another manner.”;

(2) by replacing the first sentence of the third paragraph by the following sentence: “Each agency collects the following information to establish the register and keep it up to date: the name and address of the operator, the number of the certificate of compliance issued to the operator under this subdivision, or the number of the operator’s temporary certificate of compliance if the operator does not hold a certificate of compliance, the period of validity of the certificate concerned, the name and address of the person in charge of the residence if that person is not the operator, the address and physical description of the residence, certain information concerning the building, the municipal permits the operator holds, certain characteristics of the residence, the services offered by the operator of the residence, the facilities available and the category of residence for the elderly to which the residence belongs.”;

(3) by adding the following paragraphs at the end:

“The Government may, by regulation, define the categories of services listed in the second paragraph, specify the information that must be collected and kept up to date by an agency under the third paragraph, prescribe any other information to be collected and kept up to date and determine whether it is public information.

For the purposes of the second paragraph,

(1) services offered indirectly by the operator of a residence for the elderly, in particular through a legal person or a partnership controlled by the operator or through another resource with which the operator has entered into an agreement for that purpose, are considered to be offered by the operator;

(2) a facility operated by an institution and a building, a part of a building or a residential facility where the services of an intermediate resource or a family-type resource are offered is not a residence for the elderly.”

8. Sections 346.0.2 to 346.0.5 of the Act are replaced by the following sections:

“346.0.2. No person may begin operating a residence for the elderly without having obtained a temporary certificate of compliance from the agency for the region where the residence will be situated.

“346.0.2.1. To obtain a temporary certificate of compliance, a person must apply in writing to the agency using the form provided by the agency.

The agency shall issue a temporary certificate of compliance if, in addition to providing the information required under the third and fourth paragraphs of section 346.0.1, the person possesses the qualifications, fulfills the conditions and provides the documents and other information prescribed by government regulation.

However, the agency must refuse to issue a temporary certificate of compliance to an applicant if the applicant or, if applicable, one of the directors or officers of the applicant is charged with or convicted of an indictable or other offence related to the abilities and conduct required to operate a residence for the elderly, unless, in the case of a conviction, a pardon has been obtained.

“346.0.3. In the year after the date on which the temporary certificate of compliance is issued, the operator of a residence for the elderly must obtain a certificate of compliance from the agency.

“346.0.4. To obtain a certificate of compliance, the operator of a residence for the elderly must meet the health and social criteria prescribed under paragraph 2 of section 346.0.6.

“346.0.4.1. On the issue of a temporary certificate of compliance, the agency shall begin the certification process.

For the purpose of carrying out the verifications required by that process, the agency may enter into an agreement with a local authority designated by the Minister in its area of jurisdiction or with a body recognized by the Minister.

Such an agreement sets out the conditions for the verifications.

“346.0.4.2. At the end of the one-year period specified in section 346.0.3, an agency must refuse to issue a certificate of compliance if the operator of a residence for the elderly does not meet the health and social criteria prescribed under paragraph 2 of section 346.0.6.

An agency may also refuse to issue a certificate for any of the reasons listed in section 346.0.11.

In exceptional circumstances, an agency may extend the one-year period referred to in the first paragraph, in particular if the failure to meet a health and social criterion is attributable to a cause beyond the operator’s control. The agency may attach conditions to the extension.

“346.0.4.3. Both the certificate of compliance and the temporary certificate of compliance must state the name of the operator of the residence for the elderly, the address of the residence, the category to which the residence belongs and the period of validity of the certificate concerned.

“346.0.5. The operator of a residence for the elderly who holds a certificate of compliance or a temporary certificate of compliance must publicly display its certificate in the residence at all times.

“346.0.5.1. On 1 April each year, the operator of a residence for the elderly must file a return with the agency of the region concerned containing the information required under the third and fourth paragraphs of section 346.0.1.

“346.0.5.2. Before directing an elderly person to a residence for the elderly, an institution must ensure that the operator of the residence holds a certificate of compliance or a temporary certificate of compliance.”

9. Section 346.0.6 of the Act is amended

(1) by replacing “determine” in the introductory clause of the first paragraph by “prescribe”;

(2) by inserting the following subparagraphs after subparagraph 1 of the first paragraph:

“(1.1) the qualifications an applicant for a temporary certificate of compliance must possess, the conditions the applicant must fulfill and the information and documents the applicant must provide, in particular to enable the agency to verify compliance with the third paragraph of section 346.0.2.1;

“(1.2) the information and documents the operator of a residence for the elderly must provide to the agency for the purposes of the certificate renewal process, including the information and documents it must provide to enable the agency to verify compliance with paragraph 4 of section 346.0.11;”;

(3) by replacing subparagraph 2.1 of the first paragraph by the following subparagraph:

“(2.1) the conditions that staff members and volunteers of a residence for the elderly and any other person working in such a residence must fulfill, depending on their duties, in particular conditions relating to training and security, including conditions relating to judicial records, and the information and documents those persons must provide to the operator of the residence to enable the operator to verify whether those conditions have been fulfilled;”;

(4) by inserting the following subparagraphs after subparagraph 3 of the first paragraph:

“(3.1) the tools and procedures to be used to assess the autonomy of the elderly persons who reside or wish to reside in a residence for the elderly;

“(3.2) the obligation of an operator of a residence for the elderly that has more rooms and apartments than the number determined by regulation to establish a residence life committee, and the functions and composition of that committee;”;

(5) by replacing “a certificate of compliance” in subparagraph 4 of the first paragraph by “, if applicable, a certificate of compliance or a temporary certificate of compliance”;

(6) by replacing the second paragraph by the following subparagraphs:

“(6) any other standard applicable to the operation of a residence for the elderly; and

“(7) the provisions of a regulation under this section whose violation constitutes an offence.”

10. Section 346.0.7 of the Act is replaced by the following section:

“346.0.7. The Government must include in the health and social criteria determined under paragraph 2 of section 346.0.6 the minimum number of persons required to be present at all times in a residence for the elderly to ensure proper supervision of the persons residing there.

However, if an agency considers that, due to the physical layout of a residence for the elderly or the type of clientele residing there, the minimum number of persons determined under paragraph 2 of section 346.0.6 does not ensure proper supervision, it may increase the minimum number of persons required to be present at all times in that residence.”

11. Section 346.0.8 of the Act is amended by replacing “whose operator holds a certificate of compliance in order to ascertain the extent to which that operator meets the conditions set out in section 346.0.4, has taken the corrective

measures described in paragraph 2 of section 346.0.12 and avoids any practice or situation” by “in order to ascertain whether this subdivision and the regulations are being complied with, and whether the operator of the residence is avoiding practices or situations”.

12. Section 346.0.9 of the Act is amended

(1) by replacing “a certificate of compliance” in subparagraph 1 of the second paragraph by “a certificate of compliance or a temporary certificate of compliance and any other place, except a room or apartment, where the person has reason to believe that activities for which a certificate or a temporary certificate is required under this Act are carried on”;

(2) by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) to demand any information or documents relating to the administration of this Act for the purpose of inspecting or copying them.”

13. Sections 346.0.10 to 346.0.12 of the Act are replaced by the following sections:

“346.0.10. Subject to the third paragraph of section 346.0.4.2, a temporary certificate of compliance is valid for up to one year. It may not be renewed.

A certificate of compliance is valid for three years. It may be renewed for the same period.

Six months before the expiry date of a certificate of compliance, an agency must initiate the renewal process for the certificate with the certificate holder.

“346.0.11. The agency may revoke a temporary certificate of compliance or revoke or refuse to issue or renew a certificate of compliance if the holder

(1) no longer fulfills the conditions prescribed for the issue of a temporary certificate of compliance;

(2) fails to take the corrective measures ordered by the agency within the prescribed period, in particular further to recommendations formulated during the complaint examination process;

(3) fails to comply with a provision of this subdivision or the regulations, a condition imposed under the third paragraph of section 346.0.4.2 or a decision under the second paragraph of section 346.0.7;

(4) during the period of validity of the certificate, is charged with or convicted of an indictable or other offence related to the abilities and conduct

required to operate a residence of the same category, or has a director or officer who is charged with or convicted of such an offence; or

(5) engages in practices or tolerates a situation that could pose a threat to the health or safety of the persons to whom the operator provides services.

“346.0.12. When an agency revokes a temporary certificate of compliance or revokes or refuses to issue or renew a certificate of compliance, it may prescribe the conditions that must be complied with by the operator of the residence for the elderly concerned until the cessation of the activities of the residence. In such a case, it must prescribe a maximum period for terminating the activities of the residence.

Those conditions may include

(1) the obligation to allow any person designated by the agency to enter the residence at any time;

(2) the obligation to inform the agency in advance of any relocation of an elderly person, providing the elderly person’s name, the name of the person acting on the elderly person’s behalf, if any, and the address of the elderly person’s new residence;

(3) any other measure prescribed to ensure the welfare of the elderly persons during that period.

The certificate ceases to have effect at the end of the period provided for in the first paragraph.

The costs, fees and expenses incurred by the agency to implement those conditions may be claimed from the operator of the residence for the elderly.”

14. Section 346.0.13 of the Act is amended by replacing “Before refusing to issue a certificate of compliance, or suspending, revoking or refusing to renew such a certificate” by “Before refusing to issue a certificate of compliance or a temporary certificate of compliance, or revoking or, if applicable, refusing to renew such a certificate”.

15. Section 346.0.14 of the Act is amended

(1) by replacing “suspending, revoking or refusing to renew a certificate of compliance” in the first paragraph by “revoking or refusing to renew, if applicable, a certificate of compliance or a temporary certificate of compliance”;

(2) by replacing “suspend, revoke or refuse to renew the certificate of compliance” in the second paragraph by “revoke or, if applicable, refuse to renew the certificate”.

16. Section 346.0.15 of the Act is amended by replacing “of a certificate of compliance” by “of a certificate of compliance or a temporary certificate of compliance”.

17. Section 346.0.16 of the Act is amended by replacing “for a certificate of compliance has been rejected, or the holder of a certificate of compliance whose certificate has been suspended or revoked or for which renewal has been refused” by “for a certificate of compliance or a temporary certificate of compliance has been rejected, or the holder of a certificate whose certificate has been revoked or for which renewal has been refused, if applicable,”.

18. Section 346.0.18 of the Act is amended by replacing “If the certificate of compliance of a certificate holder has been suspended or revoked or has not been renewed, the agency” by “When an agency revokes the temporary certificate of compliance or revokes or refuses to issue or renew the certificate of compliance of a certificate holder, it”.

19. Section 346.0.19 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“346.0.19. The operator of a residence for the elderly who wishes to cease activities, whose temporary certificate has been revoked, who has been denied a certificate of compliance or whose certificate of compliance has been revoked or has not been renewed must return the certificate to the issuing agency.”;

(2) by replacing “of any refusal to issue or renew a certificate or of any suspension or revocation of a certificate” in the second paragraph by “of any revocation of a temporary certificate or any revocation or refusal to issue or renew a certificate of compliance”.

20. Section 346.0.20 of the Act is amended by inserting “or a temporary certificate of compliance” after “certificate of compliance”.

21. The Act is amended by inserting the following sections after section 346.0.20:

“346.0.20.1. No person may operate a congregate residential facility under a name that includes “residence for the elderly”, or otherwise purport, in any way, to be authorized to operate such a residence if the person does not hold a certificate of compliance or a temporary certificate of compliance.

“346.0.20.2. In addition to the powers provided for in section 346.0.11, an agency may evacuate and relocate elderly persons living in a residence for the elderly if the agency has reasonable grounds to believe that the operator of the residence is tolerating a situation or engaging in practices, including acts of negligence or violence, that present a danger to the health or safety of those persons.

Before proceeding, the agency must serve an evacuation order in writing on the operator, setting out the reasons for the evacuation, and allow the operator to submit observations within a period determined by the agency. It must also take the necessary means to inform the elderly persons concerned and, to that end, it may require the operator to provide the contact information of the residents and, if applicable, of the persons acting on their behalf. If the danger is imminent, the reasons for the evacuation may first be transmitted verbally, and then in writing once the evacuation has been completed.

Once the evacuation order has been served, any person designated by the agency may enter the residence at any time, until the evacuation has been completed.

If the situation calls for the evacuation of all the elderly persons, the holder's certificate of compliance or temporary certificate of compliance ceases to have effect on the issue of the evacuation order and until the holder demonstrates to the satisfaction of the agency that the situation or practices described in the first paragraph have been remedied, unless the agency revokes the certificate under section 346.0.11.

The costs, fees and expenses incurred by the agency for the evacuation and relocation procedure may be claimed from the operator of the residence for the elderly.

The first, second, third and fifth paragraphs also apply to a congregate residential facility where a residence for the elderly is operated without a certificate.

346.0.20.3. An agency's decision to revoke a temporary certificate of compliance or to revoke or refuse to issue or renew a certificate of compliance constitutes grounds for an elderly person lodged in the residence concerned by the decision to request, in addition to damages, the resiliation of the lease binding the person to the operator of the residence.

In all cases, such a lease is resiliated by operation of law from the expiry of the time allowed for contesting the decision of the agency before the Administrative Tribunal of Québec or, if applicable, as soon as the judgment of the Tribunal confirming the agency's decision has become res judicata. An elderly person who is a party to such a lease may claim damages from the operator of the residence for the elderly.

The first paragraph applies, with the necessary modifications, to an elderly person who is relocated under section 346.0.20.2.

The operator of a residence for the elderly may not claim any indemnity from an elderly person because of the resiliation of a lease under this section.

“346.0.20.4. The Minister may enter into a framework agreement with the Minister of Public Security to establish the procedures that Québec police forces may be called upon to follow in order to verify, for an agency or the operator of a residence for the elderly, compliance with the third paragraph of section 346.0.2.1 and paragraph 4 of section 346.0.11 and the security conditions prescribed by regulation.”

22. Section 346.0.21 of the Act is amended by adding the following paragraph at the end:

“For the purposes of section 346.0.20.1, the Government may specify, by regulation, the words that can only be used in the name of a resource offering lodging determined under the first paragraph.”

23. Section 371 of the Act is amended by adding the following paragraph at the end:

“At the request of the Minister, it shall also oversee the carrying out of the Tobacco Act (chapter T-0.01) in its region or in any other region determined by the Minister.”

24. Section 383 of the Act is replaced by the following sections:

“383. The agency must ensure that the institutions in its region use the services of the joint procurement group established under section 435.2 and that the multi-year plan and action plan drawn up by the Minister under section 435.1 and the second paragraph of section 436 are complied with.

If necessary and to the extent it considers warranted by an institution’s needs, an agency may require the institution to use the group’s services or to participate in a particular tendering process conducted by such a group.

“383.1. A joint procurement group must enter into a management and accountability agreement containing at least the following elements with the agency or agencies whose area of jurisdiction it serves:

(1) the group’s operational objectives, the measures to be taken to achieve them, policy directions for joint procurement, the staffing plan, an assessment of the financial resources at its disposal and the main indicators to be used in measuring results; and

(2) the manner in which periodic reports are to be filed.

The agency designated under the second paragraph of section 435.2 must ensure compliance with the agreement and the achievement of the group’s objectives. The agreement is a public document that the designated agency must send to the Minister.”

25. The Act is amended by inserting the following after section 435:

“CHAPTER I.0.1

“JOINT PROCUREMENT

“**435.1.** To ensure the effective and efficient management of the joint procurement of goods and services for health and social services agencies and institutions, the Minister shall draw up a multi-year joint procurement plan comprising the strategic policy directions and the objectives pursued with respect to joint procurement, the results expected by the end of the period covered by the plan and the performance indicators used to measure those results. The plan must take into account all the elements determined under section 435.2.

The plan may be included in the multi-year strategic plan drawn up by the Minister under section 431.1.

“**435.2.** The Minister shall determine the number of joint procurement groups in Québec and the regions served by those groups. The Minister may also specify that a joint procurement group may provide services to the types of persons or bodies determined by the Minister that are not agencies and institutions. The Minister shall inform the agencies and the joint procurement groups of the Minister’s decision.

If a joint procurement group serves more than one region, an agency is designated by and from among the agencies concerned to be responsible for the group.

“**435.3.** A joint procurement group is a non-profit legal person constituted under the laws of Québec whose purpose is to manage the joint procurement of goods and services for agencies and institutions. It may also, if so provided in the authorization of the Minister, have complementary or accessory purposes.

The members of the legal person are the health and social services agencies and institutions of the regions determined under the first paragraph of section 435.2.

“**435.4.** A joint procurement group is administered by a board of directors composed of 9 to 12 persons designated in the following manner, who become members on being designated:

(1) the president and executive director of the agency for the area of jurisdiction served by the group or, if more than one region is served by the group, not more than three president and executive directors designated by all the president and executive directors of the agencies concerned;

(2) executive directors or senior management officers of the institutions in the area or areas of jurisdiction served by the group, designated by all the executive directors of those institutions; the executive directors so designated must outnumber the senior management officers.

The executive director of the joint procurement group does not sit on the board of directors but attends its meetings.

Sections 260 to 265, 278 to 280, 282, 289 to 292, 294 to 297, 316, 468, 469, 485, 486, 489, 499 and 500 apply, with the necessary modifications, to a joint procurement group. The agency designated under the second paragraph of section 435.2 exercises, in respect of the group, the responsibilities devolved to an agency under those sections.

The auditor appointed by the joint procurement group under section 290 shall, for the fiscal year for which the auditor was appointed, audit the financial report of the joint procurement group and carry out the other elements of the audit mandate determined by the joint procurement group, the agency or the Minister.

“435.5. In keeping with the multi-year plan described in section 435.1 and the action plan referred to in the second paragraph of section 436, the functions of a joint procurement group include

(1) assisting the agencies and institutions in defining their procurement needs in order to increase the efficiency and effectiveness of procurement;

(2) coordinating the joint procurement specifications for the agencies and institutions in the area of jurisdiction served by the group;

(3) planning and carrying out joint procurement operations for the agencies, institutions and any other persons or bodies to whom it provides services;

(4) liaising with the agencies in the area of jurisdiction it serves in order to keep them informed of the needs of the institutions in their area of jurisdiction;

(5) ensuring coordination between the agencies and the institutions to which it offers services in order to optimize its performance;

(6) collaborating with the other joint procurement groups in order to achieve the objectives of the multi-year plan and implement the action plan;

(7) carrying out any procurement mandate that another joint procurement group or, exceptionally and as applicable, an agency or an institution served by another group may entrust to it;

(8) following up on mandates received under paragraph 7 with the parties concerned; and

(9) carrying out any other procurement mandate entrusted to it by the Minister.

“435.6. If the Minister considers it warranted by the public interest and after consulting with the agencies concerned and giving the targeted groups the opportunity to present observations, the Minister may request the enterprise registrar to amalgamate joint procurement groups and issue letters patent to that effect.”

26. Section 436 of the Act is amended

(1) by inserting the following sentence at the beginning of the second paragraph: “The Minister shall draw up an action plan for the implementation of the multi-year plan described in section 435.1.”;

(2) by inserting “also” after “may” in the second paragraph.

27. Section 438 of the Act is amended by inserting ““youth centre”,” after “containing the words”.

28. Section 489 of the Act is amended by striking out “or a certificate of compliance” in the first paragraph.

29. The Act is amended by inserting the following section after section 489.1:

“489.1.1. A person authorized in writing by the Minister or an agency to carry out an inspection under this Act may not be prosecuted for an omission or an act done in good faith in the performance of the duties of office.”

30. Section 531.1 of the Act is amended

(1) by replacing “without holding a certificate of compliance issued under this Act or who purports to hold such a certificate while not holding one” in the first paragraph by “without holding a certificate of compliance or a temporary certificate of compliance or who contravenes any of the provisions of section 346.0.20.1”;

(2) by replacing the second paragraph by the following paragraph:

“Every person who contravenes the first paragraph is liable, for each day the offence continues, to a fine of \$300 to \$1,200 in the case of a natural person, and \$1,200 to \$4,800 in the case of a legal person. For a subsequent offence, the amounts are doubled.”

31. The Act is amended by adding the following sections after section 531.1:

“531.1.1. Every person who contravenes a provision determined by a regulation made under paragraph 7 of section 346.0.6 commits an offence and is liable to a fine of \$300 to \$1,200. For a subsequent offence, the amounts are doubled.

“531.1.2. An operator of a residence for the elderly who fails to fulfill a condition prescribed by an agency under section 346.0.12 commits an offence and is liable, for each day the offence continues, to a fine of \$600 to \$2,400 in the case of a natural person, and \$2,400 to \$9,600 in the case of a legal person.”

TOBACCO ACT

32. Section 32 of the Tobacco Act (R.S.Q., chapter T-0.01) is amended

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

“A health and social services agency within the meaning of the Act respecting health services and social services (chapter S-4.2) that, under the second paragraph of section 371 of that Act, is responsible for overseeing the carrying out of this Act may also appoint any person or designate any class of persons to perform inspection or analysis duties in its region and in any other region determined by the Minister under that paragraph.”;

(2) by replacing “signed by the Minister, by a person designated by the Minister” in the third paragraph by “signed, as applicable, by the Minister, by the president and executive director of the agency, by a person designated by the Minister or the president and executive director”.

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING SPECIALIZED MEDICAL CENTRES AND MEDICAL IMAGING LABORATORIES

33. Section 34 of the Act to amend various legislative provisions concerning specialized medical centres and medical imaging laboratories (2009, chapter 29) is amended by replacing “30 September 2009” in subparagraph 1 of the first paragraph by “31 March 2010”.

CONSEQUENTIAL PROVISIONS

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

34. Section 118.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing the second paragraph by the following paragraph:

“For the purposes of the first paragraph, “residence for the elderly” has the meaning assigned to it by the second paragraph of section 346.0.1 of the Act respecting health services and social services (chapter S-4.2).”

BUILDING ACT

35. Section 29 of the Building Act (R.S.Q., chapter B-1.1) is amended by replacing the second paragraph by the following paragraphs:

“However, despite the first paragraph, this chapter does apply to a residence for the elderly within the meaning of section 346.0.1 of the Act respecting health services and social services (chapter S-4.2).

This chapter also applies to electrical installations, installations intended to use gas and petroleum equipment installations located in buildings excluded by subparagraphs 2 and 3 of the first paragraph.”

36. Section 65.4 of the Act is amended by replacing “a legal person or a joint procurement group referred to in section 383” in subparagraph 5 of the first paragraph by “a joint procurement group defined in section 435.3”.

ACT RESPECTING CONTRACTING BY PUBLIC BODIES

37. Section 4 of the Act respecting contracting by public bodies (R.S.Q., chapter C-65.1) is amended by replacing “legal persons and joint procurement groups referred to in section 383” in subparagraph 6 of the first paragraph by “joint procurement groups defined in section 435.3”.

ACT RESPECTING HÉMA-QUÉBEC AND THE HAEMOVIGILANCE COMMITTEE

38. Section 3 of the Act respecting Héma-Québec and the haemovigilance committee (R.S.Q., chapter H-1.1) is amended by replacing “body managing joint supplies to institutions” in subparagraph 8 of the second paragraph by “joint procurement group defined in section 435.3 of the Act respecting health services and social services (chapter S-4.2)”.

39. Section 38 of the Act is amended by replacing “body to manage joint supplies to institutions” in the first paragraph by “joint procurement group defined in section 435.3 of the Act respecting health services and social services”.

ACT RESPECTING ADMINISTRATIVE JUSTICE

40. Section 119 of the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by replacing “of an application for or the suspension, revocation or non-renewal of a certificate of compliance” in paragraph 5.2 by “to issue a certificate of compliance or a temporary certificate of compliance or to the revocation or, if applicable, the non-renewal of such a certificate.”

41. Section 3 of Schedule I to the Act is amended by inserting “or a temporary certificate of compliance” after “certificate of compliance” in paragraph 12.1.

ACT RESPECTING THE DETERMINATION OF THE CAUSES AND CIRCUMSTANCES OF DEATH

42. Section 34 of the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2) is amended by inserting “as a result of negligence or” after “occurred”.

43. Section 36 of the Act is amended by inserting “as a result of negligence or” after “occurred”.

44. Section 43 of the Act is amended by inserting “as a result of negligence or” after “occurred” in the first paragraph.

TRANSITIONAL AND FINAL PROVISIONS

45. In order to spread out the analysis of permit renewal applications under the second paragraph of section 37 of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (R.S.Q., chapter L-0.2), enacted by section 1, the Minister may, on the first renewal of such a permit after (*insert the date of coming into force of section 1 of this Act*) or, as the case may be, after the coming into force of a regulation made under that paragraph, renew the permit for 12 months or more but not for more than 24 months. To that end, the Minister may also extend the period of validity of such a permit in force on that date for a period of less than 12 months.

Until a regulation is made under the second paragraph of section 37 of that Act, a permit for a laboratory included in the specific diagnostic radiology laboratory class operating in the field of medicine, provided for in the Regulation respecting the application of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (R.R.Q., 1981, chapter L-0.2, r. 1), is considered to be subject to the second paragraph of that section 37.

Until the required amendments are made to the Regulation respecting the application of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies,

(1) the annual fees set out in the second paragraph of section 107 of that regulation for the issue or renewal of a laboratory permit are adjusted in proportion to the number of months for which a permit referred to in the first paragraph is renewed or extended; and

(2) despite section 106 of that regulation, any application for the renewal of such a permit must be filed three months before the permit expires.

46. The operator of a residence for the elderly who, on (*insert the date of coming into force of this section*), does not hold a certificate of compliance must file an application for a temporary certificate of compliance with the agency of its region not later than (*insert the date that is one month after the*

coming into force of this section) and obtain such a certificate from that agency within three months after filing the application. If the operator fails to obtain a temporary certificate, section 346.0.12 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) applies, with the necessary modifications.

The same applies to the operator of a drug addiction and pathological gambling resource offering lodging, referred to in the Regulation respecting the certification of drug addiction or pathological gambling resources, enacted by Order in Council 569-2010 (2010, G.O. 2, 1944), except a resource referred to in section 15 or 16 of chapter 46 of the statutes of 2009, in which case those sections remain applicable to the operator. However, an operator of a resource referred to in either of those sections must obtain a certificate in accordance with the Act respecting health services and social services not later than 1 July 2012, failing which section 346.0.12 of that Act applies, with the necessary modifications.

47. A joint procurement group established under the second paragraph of section 383 of the Act respecting health services and social services, as it read before being replaced by section 24, is deemed to be a joint procurement group defined in section 435.3 of the Act respecting health services and social services, enacted by section 25.

48. A joint procurement group constituted under Part III of the Companies Act (R.S.Q., chapter C-38) must take the necessary measures before (*insert the date that is six months after the coming into force of this section*) to ensure that all its objects, the composition of its board of directors, its constituting act, all its documents and all its activities are in compliance with sections 435.2 to 435.5 of the Act respecting health services and social services. Section 316 of that Act applies, with the necessary modifications, to such an operation.

If a joint procurement group fails to ensure such compliance, the Minister may, without further formality, determine that the regions that would have been served by that group are to be served by another joint procurement group identified by the Minister. The latter group has all the rights, acquires all the property and assumes all the obligations of the non-compliant group and the proceedings to which the non-compliant group is a party may be continued without continuance of suit. The Minister subsequently requests the enterprise registrar to revoke the constituting act of the non-compliant group.

49. Despite any inconsistent legislative provision, the enterprise registrar may, on a joint request by a joint procurement group that, on (*insert the date of introduction of this bill*), is a cooperative to which the Cooperatives Act (R.S.Q., chapter C-67.2) applies and one or more joint procurement groups that, on the same date, are constituted under Part III of the Companies Act, issue letters patent to amalgamate those groups, in accordance with that request, into a legal person constituted under Part III of the Companies Act and subject to sections 435.2 to 435.5 of the Act respecting health services and social

services. Section 316 of that Act applies to this operation, with the necessary modifications.

The joint request must set out all the procedures or measures necessary to carry out the amalgamation and provide for its smooth operation.

If an amalgamation request under the first paragraph has not been filed by (*insert the date that is nine months after the date of coming into force of this section*), the Minister may, under section 435.6 of the Act respecting health services and social services, request the amalgamation in accordance with this section.

Under the name given to it by the letters patent, the new legal person resulting from the amalgamation has all the rights, acquires all the property and assumes all the obligations of the amalgamated groups, and the proceedings to which those groups are a party may be continued without continuance of suit.

50. The provisions of this Act come into force on the date or dates to be set by the Government, except sections 1 to 6, 23, 27, 29, 32, 33 and 42 to 45, which come into force on (*insert the date of assent to this Act*).

