

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

Sections 24-26, 36-39 and 47-49

AMENDMENT:

Strike out sections 24 to 26, 36 to 39 and 47 to 49.

Adopter
AB

Bill 16

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Sections 23 and 32

AMENDMENT:

Strike out sections 23 and 32.

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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

Section 2

AMENDMENT:

Replace paragraph 1 by:

(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 an alcohol, gambling or drug addiction or any other addiction”;

pedroste
RS

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

Section 6

AMENDMENT:

Replace “not later than 30 June each year” in proposed section 338 by “within three months after the end of its fiscal year”.

adopted
AC

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

Section 7

AMENDMENT:

Insert “, if applicable,” after “the facilities available and” in paragraph 2.

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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

Section 7

AMENDMENT:

Add at the end of the first paragraph proposed by paragraph 3: "It may also provide for categories of residences for the elderly, including at least one category of residences offering services for independent elderly persons and one category of residences offering services for semi-independent elderly persons."

adopted
AC

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

Section 7

AMENDMENT:

Insert "and any other permit required to carry on the operator's activities" after "the operator holds" in paragraph 2.

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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

Section 7

AMENDMENT:

1. Insert before paragraph 1:

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

“346.0.1. Each agency must, for the purpose of identifying the residences for the elderly in its region, establish and maintain a register of those residences.”;

2. Insert “or that controls” after “controlled by” in subparagraph 1 of the second paragraph proposed by paragraph 3.

Adapté
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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

Section 7

AMENDMENT:

Replace subparagraph 2 of the second paragraph proposed by paragraph 3:

(2) a facility operated by an institution or a building, a part of a building or a dwelling offering the services of an intermediate resource or a family-type resource, which remains subject to the other provisions applicable to it under this Act, is not a residence for the elderly.”

adepte
RR

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

Section 21

AMENDMENT:

In proposed section 346.0.20.4,

1. Replace “may” by “must”.
2. Replace “may be” by “will be”.

adapte
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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

Section 8

AMENDMENT:

Withdraw amendment 11 and rename it AM e.

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

Section 8

AMENDMENT:

Replace proposed sections 346.0.3 and 346.0.4 by:

“346.0.3. From the beginning of the period of validity of the temporary certificate of compliance, the operator of a residence for the elderly is subject to this subdivision and the regulations.

Not later than one year after the beginning of the period referred to in the first paragraph, the operator must obtain from the agency a certificate of compliance attesting that the operator meets the health and social criteria prescribed under paragraph 2 of section 346.0.6.

*adapte-
PR*

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

Section 8

AMENDMENT:

In proposed section 346.0.4.1,

1. Replace the first paragraph by:

“346.0.4.1. The agency shall begin the certification process at the very beginning of the period of validity of the temporary certificate of compliance.

2. Replace “a local authority designated by the Minister in its area of jurisdiction or with a body recognized by the Minister” in the second paragraph by “a body recognized by the Minister”.

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AP

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

Section 8

AMENDMENT:

Insert "or proposing such a residence" after "residence for the elderly" in proposed section 346.0.5.2.

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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

Section 9

AMENDMENT:

Amendment 15 is withdrawn and renamed Amendment 1.

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

Section 10

AMENDMENT:

Replace "proper supervision of the persons residing there" in the first paragraph of proposed section 346.0.7 by "proper supervision, taking into account, as applicable, the category of the residence".

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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

Section 13

AMENDMENT:

In the second paragraph of proposed section 346.0.12,

1. Replace subparagraph 1 by:

(1) despite any inconsistent provision, the obligation to allow any person designated by the agency to enter the residence, including the rooms or apartments, at any time;

2. Replace “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” in subparagraph 2 by “the relocation of any resident, providing the resident’s name, the name of the person acting on the resident’s behalf, if any, and the address of the resident’s”.

3. Replace “the elderly persons” in subparagraph 3 by “every resident”.

*Adopted -
AP*

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

Section 17.1

AMENDMENT:

Insert after section 17:

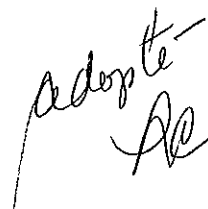
17.1. The Act is amended by inserting the following sections after section 346.0.17:

“346.0.17.1. The operator of a residence for the elderly who wishes to cease activities, even with respect to only a part of the residence, must give at least six months’ prior notice of that intention to the agency concerned.

The prior notice must state the date on which the operator plans to cease activities and the contact information of the residents concerned and of any persons acting on their behalf.

Failure by the operator to give the agency concerned prior notice, in accordance with this section, of the intention to cease activities renders without effect all notices that, under the rules set out in the Civil Code respecting the lease of a dwelling, must be given to lessees prior to ceasing the activities of the residence for the elderly.

“346.0.17.1.1. In the case of the alienation of a congregate residential facility in which a residence for the elderly is operated or in the case of the extinction of the title of the lessor of that facility, section 346.0.17.1 also applies, with the necessary modifications, to the new lessor, who, with respect to the lessees of that residence, has the rights and obligations arising from their leases if the former operator of the residence did not give the agency concerned a prior notice of intention in accordance with that section before the alienation of the facility or the extinction of the lessor’s title.”

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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

Section 19

AMENDMENT:

Replace “son activité” in the French text of the first paragraph of proposed section 346.0.19 by “ses activités”.

Adopté
RA

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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

Section 21

AMENDMENT:

Insert "or any other word specified by government regulation" after "'residence for the elderly'" in proposed section 346.0.20.1.

adopted
AB

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

Section 21

AMENDMENT:

In proposed section 346.0.20.2,

1. Replace “elderly persons living in” in the first paragraph by “the residents of”.
2. Strike out “elderly” in the second paragraph.
3. Insert “, including the rooms or apartments” after “residence” in the third paragraph.

*Adopted
RE*

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

Section 21

AMENDMENT:

Amendment 22 is withdrawn and renamed Amendment m.

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

Section 21

AMENDMENT:

Replace proposed section 346.0.20.3 by:

“346.0.20.3. Any resident bound by a lease of a dwelling to the operator of a residence for the elderly in respect of which the agency has revoked the temporary certificate of compliance or revoked or refused to issue or renew a certificate of compliance may, with at least 15 days’ prior notice, resiliate the lease. The notice must state the date on which the resident plans to leave the room or apartment. The lease is resiliated by operation of law as of that date. The notice must be sent not later than 60 days after the activities of the residence cease.

A resident of a residence for the elderly referred to in the first paragraph also has the remedies provided for in article 1863 of the Civil Code against the operator.

An operator of a residence for the elderly may not claim compensation from a resident on the grounds of the resiliation of a lease under this section or section 346.0.20.2.1.

*Adopte-
RA*

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

Section 20

AMENDMENT:

Replace by:

20. Section 346.0.20 of the Act is amended

(1) by inserting “or a temporary certificate of compliance” after “certificate of compliance”;

(2) by adding the following paragraph at the end:

“The Government must, by regulation, identify which of the requirements referred to in the second paragraph of section 346.0.2.1 must be fulfilled in order for the agency to authorize the transfer requested. The third paragraph of that section also applies to a transfer request, with the necessary modifications.”

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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

Section 30

AMENDMENT:

Add "or a regulation under that section" at the end of paragraph 1.

*Adopte-
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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

Section 31

AMENDMENT:

Insert "section 346.0.5.1 or" after "contravenes" in proposed section 531.1.1.

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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

Section 31

AMENDMENT:

Insert after proposed section 531.1.2:

“531.1.3. An operator of a residence for the elderly or a new lessor referred to in section 346.0.17.1.1 who contravenes section 346.0.17.1 commits an offence and is liable to a fine of \$600 to \$2,400 in the case of a natural person or \$2,400 to \$9,600 in the case of a legal person.”

Adopted
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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

Section 31

AMENDMENT:

Replace “of \$300 to \$1,200” in proposed section 531.1.1 by “of \$300 to \$1,200 in the case of a natural person or \$600 to \$2,400 in the case of a legal person”.

*Adopted
RE*

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

Section 44.1

AMENDMENT:

Insert after section 44:

OTHER AMENDMENTS

44.1. "Residence for the elderly" is replaced wherever it appears by "private seniors' residence", with the necessary grammatical modifications, in the following provisions:

(1) section 120.0.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1);

(2) sections 134.1, 175, 178 and 631 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);

(3) section 58.5.1 of the Act respecting school elections (R.S.Q., chapter E-2.3);

(4) sections 135.1, 180, 305 and 551 of the Election Act (R.S.Q., chapter E-3.3);

(5) section 60, the provisions of subdivision 2.1 of Division II of Title I of Part III that are not amended by this Act, and sections 530.8 and 531.1 of the Act respecting health services and social services (R.S.Q., chapter S-4.2);

(6) section 2 of the Tobacco Act (R.S.Q., chapter T-0.01); and

(7) sections 1, 3, 17 and 26 and the title of the Regulation respecting the conditions for obtaining a certificate of compliance for a residence for the elderly (R.R.Q., chapter S-4.2, r. 5).

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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

Section 45.1

AMENDMENT:

Insert after section 45:

45.1. A legal person or any other body that, on 12 May 2011, is carrying on its activities under a name containing the words “youth centre” may continue to exercise its activities under that name until it changes the name. From that date, the legal person or body is subject to section 87.1 of the Act respecting health services and social services (R.S.Q., chapter S-4.2), enacted by section 4, and section 438 of that Act, as amended by section 27.

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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

Section 45.2

AMENDMENT:

Add after section 45.1:

45.2. In order to spread out the analysis of certificate of compliance renewal applications under the Act respecting health services and social services, the period of validity of any certificate of compliance that expires in 2011 and whose registration number in the register of residences for the elderly is an uneven number is increased to four years the first time the certificate is renewed following the expiry date. The period of validity of any certificate first issued in 2012 is also increased to four years regardless of its registration number.

The period of validity of a certificate referred to in the first paragraph is three years for any subsequent renewal.

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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

Sections 46.1 to 46.3

AMENDMENT:

Insert after section 46:

46.1. Until the coming into force of section 346.0.12 of the Act respecting health services and social services, enacted by section 13, when an agency revokes or refuses to issue or renew a certificate of compliance, it may prescribe the conditions that the operator of the residence for the elderly concerned must comply with until the cessation of the activities of the residence. In such a case, the agency must prescribe the maximum period for terminating the activities of the residence.

Those conditions may include

- (1) despite any inconsistent provision, the obligation to allow any person designated by the agency to enter the residence, including the rooms or apartments, at any time;
- (2) the obligation to inform the agency in advance of the relocation of any resident, providing the resident's name, the name of the person acting on the resident's behalf, if any, and the address of the resident's new residence;
- (3) any other measure prescribed to ensure the welfare of every resident 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.

46.2. Until the coming into force of paragraph 1 of section 7, a congregate residential facility where rooms or apartments intended for elderly persons are offered for rent and where security, housekeeping assistance and social activity assistance services are limited to either recreation services, meal services or security services is not considered a residence for the elderly within the meaning of section 346.0.1 of the Act respecting health services and social services, as it reads on (*insert the date of assent to this Act*).

46.3. Until the coming into force of the regulation referred to in subparagraph 7 of the first paragraph of section 346.0.6, enacted by section 9, the operator of a residence for the elderly who contravenes any provision of the Regulation respecting the conditions for obtaining a certificate of compliance for a residence for the elderly (R.R.Q., chapter S-4.2, r. 5) commits an offence and is liable to a fine of \$300 to \$1,200. For a subsequent offence, the amounts are doubled.

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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

Section 46.0.1

AMENDMENT:

Insert after section 46:

46.0.1. Despite section 46, an operator of a residence for the elderly who, having begun the certification process before (*insert the date of assent to this Act*), does not hold a certificate of compliance on that date must obtain such a certificate not later than one year after that date; if the operator fails to obtain the certificate within that time, section 346.0.12 of the Act respecting health services and social services, enacted by section 13, applies, with the necessary modifications.

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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

Section 9

AMENDMENT:

1. Replace paragraph 1 by:

(1) by replacing the introductory clause of the first paragraph by “In addition to the other regulatory powers conferred on it by this subdivision, the Government may prescribe, by regulation,”;

2. Insert after paragraph 1:

(1.1) by striking out subparagraph 1 of the first paragraph;

3. Replace “(4) by inserting the following subparagraphs after subparagraph 3 of the first paragraph:” by:

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

“(3) the cases, conditions and circumstances in which this subdivision, one of its provisions or a regulatory provision does not apply to an operator of a residence for the elderly;

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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

Section 21

AMENDMENT:

Replace "elderly persons" in the fourth paragraph of proposed section 346.0.20.2 by "residents".

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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

Section 21

AMENDMENT:

Insert after proposed section 346.0.20.2:

“346.0.20.2.1. A resident evacuated under section 346.0.20.2 is exempted from paying rent for the evacuation period. Unless the agency revokes the temporary certificate of compliance or the certificate of compliance under section 346.0.11, as soon as the situation necessitating the evacuation and relocation is remedied to the satisfaction of the agency, the operator is required to notify the evacuated resident, if the resident informed the operator of the resident’s new address. The resident is then required to notify the operator within 10 days as to whether or not the resident intends to move back into the room or apartment. If the resident refuses to move back into the room or apartment or did not inform the operator of the resident’s new address or the resident’s intention to move back into the room or apartment, the lease is resiliated by operation of law. The resident retains all other remedies under the lease against the operator, including the right to claim damages.

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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

Section 29.1

AMENDMENT:

Insert after section 29:

29.1. Section 505 of the Act is amended by inserting the following paragraph after paragraph 24:

“(24.1) prescribe the content of a form to be filled out following the death of a user that occurred in a facility operated by an institution or in a building or a dwelling where the services of an intermediate resource or a family-type resource are offered, or following the death of a resident of a residence for the elderly, and specify who is authorized to sign such a form and in what cases and circumstances and on what conditions the form must be forwarded to the coroner;”.

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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

Section 50

AMENDMENT:

Replace by:

50. With the exception of sections 1 to 6 and 17.1, sections 346.0.20.1 to 346.0.20.3, enacted by section 21, except with respect to temporary certificates of compliance, sections 27, 29, 33, 35, 42 to 45.2 and 46.0.1 to 46.3, and section 531.1.3, enacted by section 31, which come into force on *(insert the date of assent to this Act)*, the provisions of this Act come into force on *(insert the date that is one year after the date of assent to this Act)*, unless the Government sets an earlier date or dates for their coming into force.

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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

Omnibus

AMENDMENT:

With the exception of section 44.1, replace “residence for the elderly” by “private seniors’ residence” throughout the bill, including the title, with the necessary grammatical modifications.

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