



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 84

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

Introduction

**Introduced by
Mr. Yves Bolduc
Minister of Health and Social Services**

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EXPLANATORY NOTES

This bill amends certain legislative provisions in the field of health and social services in order to adjust, clarify or prescribe certain rules applicable in that field.

Among other things, the Minister of Health and Social Services is authorized, on certain conditions, to send certain information the Minister holds to the Canadian Institute for Health Information, if necessary for analysis and inter-provincial comparisons in matters of health and social services. In addition, the board of directors of an institution where a user may be placed under confinement must adopt a confinement procedure and the institution must enter certain specific information in the confined user's record.

Moreover, as soon as a service agreement entered into by an institution comes into force, it will be binding on a physician or dentist practising in the institution insofar as it does not require the physician or dentist to move outside the facilities where they practise. In addition, a regulatory amendment is introduced with respect to the contribution of a user residing in an institution operating a residential and long-term care centre or taken in charge by an intermediate resource, and the Minister is given a regulatory power for the determination of financial allowances for the payment of certain personal expenses of children taken in charge by an intermediate or family-type resource.

Lastly, other amendments are introduced to clarify or correct certain provisions of the Act respecting health services and social services as regards the governance of institutions.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the Institut national d'excellence en santé et en services sociaux (R.S.Q., chapter I-13.03);
- Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (R.S.Q., chapter L-0.2);
- Act respecting the protection of persons whose mental state presents a danger to themselves or to others (R.S.Q., chapter P-38.001);

- Act respecting health services and social services (R.S.Q., chapter S-4.2);
- Act respecting pre-hospital emergency services (R.S.Q., chapter S-6.2).

REGULATION AMENDED BY THIS BILL:

- Regulation respecting the application of the Act respecting health services and social services (R.R.Q., chapter S-5, r. 1).

Bill 84

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

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

1. Section 8 of the Act respecting the Institut national d'excellence en santé et en services sociaux (R.S.Q., chapter I-13.03) is amended by replacing "30 days after being sent to the Minister" by "between the 30th and the 60th day after being sent to the Minister".

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

2. Section 54 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

(1) by replacing "Government" by "Minister";

(2) by replacing "physicians as it" and "physician" by "persons as the Minister" and "person", respectively.

3. Section 55 of the Act is amended by replacing "physician" by "person".

4. Section 56 of the Act is amended

(1) by replacing "Physicians may also be designated to substitute for the physicians in charge" in the first paragraph by "Substitutes may also be designated for the persons in charge";

(2) by replacing "substituting physicians" and "physicians in charge" in the second paragraph by "substitutes" and "persons in charge", respectively.

5. Sections 58 to 60 and 62 to 64 of the Act are amended by replacing all occurrences of "physician" by "person".

ACT RESPECTING THE PROTECTION OF PERSONS WHOSE MENTAL STATE PRESENTS A DANGER TO THEMSELVES OR TO OTHERS

6. The Act respecting the protection of persons whose mental state presents a danger to themselves or to others (R.S.Q., chapter P-38.001) is amended by inserting the following section after section 23:

“23.1. An institution described in section 6 or 9 must adopt a procedure for the confinement of persons in its facilities. The procedure must be consistent with the ministerial orientations determined under subparagraph 9 of the second paragraph of section 431 of the Act respecting health services and social services (chapter S-4.2) and be made known to the institution’s personnel, the health professionals who practise at the institution, the users concerned and significant family members.

The procedure must, among other things, require that the following information be entered in the confined user’s record:

(1) the date of the beginning and end of confinement, as well as the time in the case of preventive or temporary confinement;

(2) a description of the danger justifying the placing and maintenance in confinement;

(3) a copy of the psychiatric examination reports, the applications for placing in confinement presented to the court by the institution and any judgment ordering confinement;

(4) if a psychiatric assessment was carried out without a temporary confinement order, a note attesting that the user’s consent to the assessment was obtained; and

(5) the date on which the user was given the information listed in section 15.

The executive director of the institution must report to the board of directors at least once every three months on the application of the procedure. The report must include the number of preventive or temporary confinements, the number of confinements authorized under article 30 of the Civil Code and the number of applications for confinement presented to the court by the institution during the period concerned. A summary of the reports must be included in a separate section of the institution’s annual management report.”

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

7. Section 19.0.3 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by replacing “send the other institution a summary of the information necessary to take the user in charge within 72 hours after the transfer” by “without delay send the other institution a summary of the information necessary to take the user in charge”.

8. Section 103 of the Act is amended by striking out “of a class determined by regulation under paragraph 27 of section 505”.

9. The Act is amended by inserting the following section after section 108.3:

“108.4. Before an agreement on the provision or exchange of medical or dental services is entered into under section 108, 108.1 or 108.3, it must be approved by the board of directors of the institution, after consultation with the council of physicians, dentists and pharmacists, if applicable.”

10. Section 109 of the Act is amended

(1) by replacing “No physician or dentist is bound by an agreement referred to in section 108, 108.1 or 108.3 unless he has examined it and it is valid at the time he makes” at the beginning of the first paragraph by “As soon as an agreement under section 108, 108.1 or 108.3 comes into force, it is binding on a physician or dentist insofar as it does not require the physician or dentist to move outside the facilities where they practise.

Such an agreement is not binding if it requires them to move outside those facilities, unless the physician or dentist has examined it and it is valid at the time they make”;

(2) by inserting the following paragraph after the third paragraph:

“Until the renewal of the appointment of a physician or dentist on whom an agreement under the first paragraph is binding, participation in medical or dental activities under such an agreement is considered to be an obligation attached to the enjoyment of the privileges granted to the physician or dentist, barring a note to the contrary in the resolution approving the agreement.”

11. Section 130 of the Act is amended by replacing the second paragraph by the following paragraph:

“Except where parity has been achieved or is presumed under the first paragraph, the executive director and the two elected members are not counted for the purpose of determining parity.”

12. Section 131 of the Act is amended

(1) by replacing “dans” in subparagraph 3 of the second paragraph in the French text by “à”;

(2) by replacing “in” in subparagraph 5 of the second paragraph by “by”.

13. Section 150 of the Act is amended by replacing “paragraph 2” in paragraph 5 by “paragraph 2 or 4”.

14. Section 156 of the Act is amended by inserting “only” after “be filled” in the third paragraph.

15. Section 157 of the Act, amended by section 24 of chapter 15 of the statutes of 2011, is again amended by inserting “identified in subparagraphs 2, 7 and 8 of the first paragraph of section 129” after “independent members”.

16. Section 181 of the Act, amended by section 32 of chapter 15 of the statutes of 2011, is again amended by inserting “identified in subparagraphs 2, 7 and 8 of the first paragraph of section 129” after “independent members” in the first paragraph.

17. Section 181.0.3 of the Act is amended by replacing “3 and 4” in the first paragraph by “4 and 5”.

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

“269. Every amount received as a gift, legacy, subsidy or other form of contribution is accounted for 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 an amount granted by the Gouvernement du Québec or a department or agency referred to in section 268, is made for special purposes, the amount of the contribution must be deposited or invested in accordance with the provisions of the Civil Code respecting investments presumed sound, until it is used for the special purposes for which the contribution was made.

Where sums have been granted for the specific purpose of furnishing the institution with capital that must be preserved and of which only the income may be used, the amount concerned must be managed in the manner set out in the second paragraph.

Each contribution under this section must be presented separately in the annual financial report of the institution.”

19. Section 271 of the Act is amended by replacing all occurrences of “fund” and “funds” by “contribution” and “contributions”, respectively.

20. Section 293 of the Act is amended by replacing “included in his mandate, in particular those determined by regulation under paragraph 8 of section 505 and, if the case arises, those” by “in his mandate”.

21. 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 for the payment

of certain personal expenses, identified in the regulation, of the children it takes in charge, as well as the conditions for obtaining such an allowance.”

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

23. 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.”

24. Section 349.3 of the Act is amended by replacing “349.6” in subparagraph 5 of the first paragraph by “349.5”.

25. Section 398.1 of the Act, amended by section 60 of chapter 15 of the statutes of 2011, is again amended by inserting “, the member of the regional pharmaceutical services committee” after “multidisciplinary commission” in the second paragraph.

26. Section 431 of the Act is amended by replacing “the procedure for the application of control measures adopted by an institution under section 118.1” in subparagraph 9 of the second paragraph by “a procedure adopted by an institution under section 118.1 or under section 23.1 of the Act respecting the protection of persons whose mental state presents a danger to themselves or to others (chapter P-38.001)”.

27. Section 433 of the Act is amended by adding the following paragraphs at the end:

“Despite section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information, the Minister may communicate to the Canadian Institute for Health Information the personal information received under the first paragraph and that received under the tenth paragraph of section 67 of the Health Insurance Act that, in the Minister’s opinion, is necessary for analysis and inter-provincial comparisons in matters of health and social services, particularly to enable the Minister to more specifically determine and analyze service needs and utilization and to proceed with health and social services system planning.

The information must be communicated under a written agreement entered into in accordance with the law and in conformity with the second paragraph of section 68 of the Act respecting Access to documents held by public bodies and the Protection of personal information. The agreement is subject to section 70 of that Act, with the necessary modifications.”

28. Section 505 of the Act is amended

(1) by striking out paragraph 8;

(2) by striking out “or an individualized service plan” in paragraph 27.

29. Section 530.64 of the Act is amended by replacing “sections 129,” by “subparagraph 7 of the first paragraph of section 129 and sections”.

ACT RESPECTING PRE-HOSPITAL EMERGENCY SERVICES

30. Sections 86 and 87 of the Act respecting pre-hospital emergency services (R.S.Q., chapter S-6.2) are amended by striking out “-Centre”.

31. Section 91 of the Act is amended

(1) by replacing “12” in paragraph 3 by “24”;

(2) by striking out “-Centre” in paragraph 7.

REGULATORY AMENDMENT

32. Section 367 of the Regulation respecting the application of the Act respecting health services and social services (R.R.Q., chapter S-5, r. 1) is amended by adding the following paragraph at the end:

“For the purposes of the first paragraph, an amount that may be received under section 12.1 of the Old Age Security Act (Revised Statutes of Canada, 1985, chapter O-9) is excluded from the maximum benefit payable under that Act.”

FINAL PROVISIONS

33. Section 32 has effect from 1 July 2011.

34. This Act comes into force on (*insert the date of assent to this Act*), except sections 6 and 26, which come into force on the date or dates to be determined by the Government, and the second paragraph of section 433 of the Act respecting health services and social services (R.S.Q., chapter S-4.2), amended by section 27 of this Act, which comes into force on the date set by the Government, which date must be later than the date on which the agreement referred to in the third paragraph of that section 433 is entered into.

