



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 7

An Act to amend the Act respecting health services and social services

Introduction

**Introduced by
Mr. Philippe Couillard
Minister of Health and Social Services**

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EXPLANATORY NOTES

This bill amends the Act respecting health services and social services to specify, in a declaratory manner, that an intermediate resource or a family-type resource is deemed not to be in the employ of or an employee of the public institution that calls upon the services of the resource and that any agreement between them to determine the applicable rules of operation is deemed not to constitute a contract of employment.

The bill confers on the Minister of Health and Social Services the power to enter into an agreement with one or more bodies representing intermediate resources or family-type resources to determine, among other things, the general conditions according to which the activities of those resources are to be carried on and to establish various measures relating to compensation for their services.

The bill grants to the Minister, rather than to the regional boards, the power to determine the rates or scale of rates of compensation applicable to the services of intermediate resources.

Lastly, the bill contains a transitional provision that concerns the rates of compensation already determined by the regional boards, which will continue to be applicable until the Minister has determined new rates.

Bill 7

AN ACT TO AMEND THE ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by inserting the following section after section 302 :

“302.1. Notwithstanding any provision inconsistent herewith, an intermediate resource is deemed not to be in the employ of or an employee of the public institution that calls upon the services of the resource and any agreement or convention entered into between them to determine the rules and the terms and conditions that apply to their relationship as regards the activities and services expected from the intermediate resource is deemed not to constitute a contract of employment.”

2. Section 303 of the said Act is amended by replacing the second paragraph by the following paragraph :

“The Minister shall determine, with the approval of the Conseil du trésor, the rates or scale of rates of compensation applicable to each type of service listed in the classification established pursuant to the first paragraph.”

3. The said Act is amended by inserting the following section after section 303 :

“303.1. The Minister may, with the approval of the Government, enter into an agreement with one or more bodies representing intermediate resources to determine the general conditions for the carrying on of the activities of intermediate resources and the normative framework applicable to the living conditions of users placed under the care of intermediate resources, and to establish various measures, terms and conditions relating to the compensation for the services provided by intermediate resources.

Such an agreement shall bind the regional boards, the institutions and all intermediate resources, whether or not they are members of a body that entered into the agreement.”

4. Section 304 of the said Act is amended by striking out paragraph 3.

5. Section 314 of the said Act is amended

- (1) by replacing “303” in the first line by “302.1”;
- (2) by striking out the text in the second, third and fourth lines that follows the word “resources”.

6. The rates or the scale of rates of compensation determined by a regional board pursuant to paragraph 3 of section 304 of the Act respecting health services and social services, as it read before (*insert the date of assent to this Act*), and the provisions of section 200 of chapter 39 of the statutes of 1998 remain applicable as regards the services provided by intermediate resources until the Minister of Health and Social Services has determined new rates or a new scale of rates in accordance with the second paragraph of section 303 of the Act respecting health services and social services, as amended by section 2 of this Act.

7. The provisions of section 302.1 of the Act respecting health services and social services, enacted by section 1 of this Act, are declaratory. They apply to administrative, quasi-judicial and judicial decisions rendered before (*insert the date of assent to this Act*).

8. This Act comes into force on (*insert the date of assent to this Act*).