



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 56

**An Act to amend the Act respecting
health services and social services with
regard to the certification of certain
resources offering lodging**

Introduction

**Introduced by
Madam Lise Thériault
Minister for Social Services**

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EXPLANATORY NOTES

This bill extends the certification process in place for residences for the elderly to certain health and social service resources offering lodging; these resources are to be determined by government regulation.

Under the bill, certification is valid for three years; to obtain certification, the resources concerned, like residences for the elderly, must satisfy health and social criteria as well as requirements determined by regulation. The bill also states that the complaints mechanism that applies under the Act to residences for the elderly will also apply to these resources.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting health services and social services (R.S.Q., chapter S-4.2).

Bill 56

AN ACT TO AMEND THE ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES WITH REGARD TO THE CERTIFICATION OF CERTAIN RESOURCES OFFERING LODGING

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 60 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended

(1) by replacing “or in a residence for the elderly referred to in section 346.0.1, regarding the services the person received or ought to have received from the organization or nursing home” in paragraph 1 by “by a resource offering lodging referred to in section 346.0.21 or in a residence for the elderly referred to in section 346.0.1, regarding the services the person received or ought to have received from the organization, nursing home, resource or residence”;

(2) by inserting “, resources offering lodging referred to in section 346.0.21” after “454” in paragraph 3.

2. The heading of subdivision 2.1 of Division II of Chapter I of Title I of Part III of the Act is amended by adding “*and certain resources offering lodging*” at the end.

3. Section 346.0.1 of the Act is amended by inserting the following sentence after “clientele.” in the third paragraph: “In addition, if a residence is administered by a board of directors, the agency draws up a list of the board members comprising the name, address, occupation and function of each member as well as the nature of any family relationships between the members themselves or between them and the persons working at the residence.”

4. Section 346.0.6 of the Act is amended

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

“(2.1) the conditions that must be satisfied by the staff members and volunteers of a residence for the elderly in accordance with the responsibilities they assume, particularly with regard to safety;”;

(2) by adding the following subparagraph after subparagraph 4 of the first paragraph:

“(5) any other certification measure.”

5. Section 346.0.10 of the Act is amended

(1) by replacing “two” by “three”;

(2) by replacing “90 days” in paragraph 1 by “six months”.

6. Section 346.0.11 of the Act is amended

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

“(1.1) has not taken the corrective measures ordered by the agency within the period it prescribes;”;

(2) by replacing paragraph 3 by the following paragraph:

“(3) has been convicted of an indictable or criminal offence related to the abilities and conduct required to operate a residence of the same class, or has a director or officer who has been so convicted, unless a pardon has been obtained.”

7. Section 346.0.12 of the Act is amended

(1) by striking out “following a complaint” in paragraph 2;

(2) by replacing paragraph 4 by the following paragraph:

“(4) has been convicted, during the period of validity of the certificate, of an indictable or criminal offence related to the abilities and conduct required to operate a residence for the elderly of the same class, or has a director or officer who has been so convicted, unless a pardon has been obtained.”

8. Section 346.0.19 of the Act is amended by inserting “, or whose certificate has been suspended or revoked or has not been renewed,” after “activities”.

9. Section 346.0.20 of the Act is amended by inserting “except with the written permission of the agency” at the end.

10. The Act is amended by adding the following section after section 346.0.20:

“346.0.21. The provisions of this subdivision apply, with the necessary modifications, to all resources and classes of resource offering lodging determined by government regulation except intermediary resources, family-type resources and specialized medical centres within the meaning of this Act.

However, subparagraph 4 of the first paragraph of section 346.0.6 does not apply in the case of a resource established for non-profit purposes.”

11. Section 489 of the Act is amended by replacing “for which a permit is required by this Act are carried on” in the first paragraph by “are carried on for which a permit or a certificate of compliance is required under this Act”.

12. Section 530.8 of the Act is amended

(1) by replacing “may, where the head office of that organization or nursing home” in the first paragraph by “, in a residence for the elderly referred to in section 346.0.1 or by a resource offering lodging referred to in section 346.0.21 may, where the head office of that organization, nursing home, residence or resource”;

(2) by replacing “or nursing home” at the end of the first paragraph by “, nursing home or resource”;

(3) by replacing “organization or nursing home” in the second and third paragraphs by “organization, nursing home, residence or resource”.

13. Section 531.1 of the Act is amended by inserting “referred to in section 346.0.1 or a resource offering lodging referred to in section 346.0.21” after “elderly” in the first paragraph.

TRANSITIONAL AND FINAL PROVISIONS

14. If an operator of a resource working in the drug addiction field and offering lodging that is subject to a regulation made under section 346.0.21 of the Act respecting health services and social services, enacted by section 10 of this Act, does not, on 30 June 2010, hold a certificate issued by the Minister of Health and Social Services under the certification program for private or community organizations working in the drug addiction field and offering lodging, the operator must apply for a certificate under that Act, as amended by this Act, and provide the required documents before 1 July 2011.

15. The operator of a resource referred to in section 14 that, on 30 June 2010, holds a certificate issued by the Minister of Health and Social Services under the certification program for private or community organizations working in the drug addiction field and offering lodging must apply for a certificate under the Act respecting health services and social services, as amended by this Act, and provide the required documents

(1) before 1 July 2011, if the operator’s certificate expires in the 12 months preceding that date;

(2) in the 12 months preceding the expiry date of the certificate if that date is later than 30 June 2011.

16. This Act comes into force on 30 June 2010.

