



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 213

(Private)

An Act respecting the Institut de recherches cliniques de Montréal

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Assented to 14 December 2006

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(Private)

AN ACT RESPECTING THE INSTITUT DE RECHERCHES CLINIQUES DE MONTRÉAL

AS the Institut de recherches cliniques de Montréal (the Institute) is a legal person constituted by the Act to incorporate the Centre Médical Claude Bernard Medical Centre (1952, chapter 139), as amended by the Act to amend the charter of “Centre Médical Claude Bernard Medical Centre” and to change its name to that of L’Institut de Diagnostic et de Recherches Cliniques de Montréal (1965, chapter 117), and its name was again changed under section 19 of that constituting Act following the authorization of the Minister of Finance published in the *Gazette officielle du Québec* on 8 November 1986;

AS it is good reason to amend the articles of the Institute in order to specify its objects, complete the legal framework in which clinical care activities are carried on at the Institute and continue its existence as a legal person governed by Part III of the Companies Act (R.S.Q., chapter C-38);

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** The legal person known as the Institut de recherches cliniques de Montréal is continued as a non-profit legal person governed by Part III of the Companies Act (R.S.Q., chapter C-38).
- 2.** The Institute operates a research centre whose objects include
 - (1) understanding the causes and mechanisms of diseases in order to find diagnostic tools and means of prevention and treatment;
 - (2) training researchers and research personnel; and
 - (3) contributing to Québec’s socio-economic development by facilitating the commercial development of new discoveries.
- 3.** The Institute’s head office is located in Montréal.
- 4.** The amount of income from immovable property that the Institute may acquire or own is limited to \$1,000,000.
- 5.** The Institute may take part in the education and training of health researchers and professionals. It may, for those purposes, enter into an agreement with an institution of higher education or a public institution that

operates a centre designated as a university hospital centre or a university institute under the Act respecting health services and social services (R.S.Q., chapter S-4.2).

6. As part of clinical research projects, the Institute may operate a clinic where outpatient services are offered to the public by health professionals.

7. So that the Institute may operate such a clinic, the Institute and a public institution that operates a centre designated as a university hospital centre or a university institute and is authorized for that purpose by the Minister of Health and Social Services must enter into an agreement granting the public institution the exclusive right to provide medical services on the clinic premises.

The agreement must stipulate, among other things,

(1) that any physician wishing to practise at the Institute's clinic must be on the public institution's council of physicians, dentists and pharmacists and fulfill at all times the obligations attached to the privileges granted the physician by the public institution;

(2) that the public institution is responsible for monitoring the quality of and supervising the medical services provided at the clinic;

(3) that the public institution is responsible for handling complaints received from users of the clinic regarding the medical services provided at the clinic; and

(4) that the public institution is to provide medical services on the premises leased to it for that purpose by the Institute.

The agreement may not provide for the devolution of research project direction, planning and coordination functions to the public institution.

8. The services provided by a physician at the Institute's clinic are deemed, for the purposes of the physician's remuneration, to be provided in a facility of the public institution that is a party to the agreement.

9. If the Institute has entered into an agreement under section 7, it must send a yearly report to the Minister of Health and Social Services on the implementation of the agreement and on any other related matter that the Minister determines.

10. The Institute may acquire and hold shares, bonds, units or other securities of another legal person or a partnership, and sell or otherwise dispose of them.

11. The Institute must enter into a liability insurance contract that provides coverage for acts for which it may be held legally responsible.

To that end, the Institute may join an association recognized by the Minister of Health and Social Services under section 267 of the Act respecting health services and social services, even if the Institute is not an institution within the meaning of that Act.

12. The immovables of the Institute are exempt from property taxes.

13. The Act to incorporate the Centre Médical Claude Bernard Medical Centre (1952, chapter 139) and the Act to amend the charter of “Centre Médical Claude Bernard Medical Centre” and to change its name to that of L’Institut de Diagnostic et de Recherches Cliniques de Montréal (1965, chapter 117) are repealed.

14. The directors of the Institute in office on 31 March 2007 remain in office until replaced or reappointed by the members in accordance with the Institute by-laws. Members in good standing of the Institute on that date remain so provided that they meet the conditions set out in the Institute by-laws.

15. The by-laws, resolutions and other instruments made or authorized by the board of directors of the Institute before 1 April 2007 are deemed valid and continue to have effect until amended or replaced by the board of directors in accordance with Part III of the Companies Act.

16. This Act comes into force on 1 April 2007.

