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Coming into force of Acts

Gouvernement du Québec

O.C. 900-2007, 17 October 2007

An Act to amend the Act respecting health services and social services and other legislative provisions (2006, c. 43)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Act respecting health services and social services and other legislative provisions

WHEREAS the Act to amend the Act respecting health services and social services and other legislative provisions (2006, c. 43) was assented to on 13 December 2006;

WHEREAS section 59 of the Act provides that the provisions of the Act come into force on the date or dates to be set by the Government, except the provisions referred to in paragraph 1 of that section which came into force on 13 December 2006 and those referred to in paragraph 2 of that section which came into force on 13 June 2007;

WHEREAS, under Order in Council 180-2007 dated 21 February 2007, sections 1, 3, 7, 8, 15, 17, 32 and 53 of the Act came into force on 1 March 2007;

WHEREAS it is expedient to set 1 January 2008 as the date of coming into force of the provisions of the Act not already in force;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT 1 January 2008 be set as the date of coming into force of the provisions of the Act to amend the Act respecting health services and social services and other legislative provisions (2006, c. 43) not already in force.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulations and other acts

Gouvernement du Québec

O.C. 901-2007, 17 October 2007

An Act respecting health services and social services (R.S.Q., c. S-4.2)

Issue of permits

Regulation respecting the issue of permits under the Act respecting health services and social services

WHEREAS, under paragraph 21 of section 505 of the Act respecting health services and social services (R.S.Q., c. S-4.2), as amended by section 31 of chapter 43 of the Statutes of 2006, the Government may, by regulation, determine the qualifications required of the applicant, and the conditions to be fulfilled and information and documents to be provided by the applicant;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the issue of permits under the Act respecting health services and social services was published in Part 2 of the *Gazette officielle du Québec* of 11 July 2007 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired and only one comment was received before the expiry of the period;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Regulation respecting the issue of permits under the Act respecting health services and social services, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the issue of permits under the Act respecting health services and social services

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 505, par. 21; 2006, c. 43, s. 31)

1. A natural person applying for a permit under the Act respecting health services and social services (R.S.Q., c. S-4.2) must

(1) be solvent;

(2) not have been convicted of an offence against the Act respecting health services and social services or its regulations in the three years preceding the application;

(3) not have been the holder of a permit that was revoked or not renewed under section 446 or 446.1 of the Act in the three years preceding the application; and

(4) not have been convicted of an indictable offence in connection with the performance of activities for which a permit is applied for in the five years preceding the application unless, if convicted, the person was granted a pardon.

In the case of an application for a specialized medical centre permit, the applying physician must, in addition,

(1) not have had his or her right to practise limited or suspended or been temporarily struck off the roll in the three years preceding the application; and

(2) have a liability insurance contract in the amount of not less than \$1,000,000 per claim providing coverage against the pecuniary consequences of any liability for fault or negligence in operating the specialized medical centre, and commit to maintaining such a contract in force for the entire term of the permit.

2. A physician applying for a specialized medical centre permit must provide his or her membership number assigned by the Collège des médecins du Québec and proof that he or she has the insurance contract required by subparagraph 2 of the second paragraph of section 1.

3. A legal person or a partnership applying for a permit under the Act respecting health services and social services must

(1) be solvent;

(2) not, nor must any of its directors, have been convicted of an offence against the Act respecting health services and social services or its regulations in the three years preceding the application;

(3) not have been the holder of a permit that was revoked or not renewed under section 446 or 446.1 of the Act in the three years preceding the application;

(4) not have any directors who have been forfeited of office as a member of the board of directors of an institution under paragraph 2 of section 498 of the Act in the three years preceding the application; and

(5) not, nor must any of its directors, have been convicted of an indictable offence in connection with the performance of activities for which a permit is applied for in the five years preceding the application unless, if convicted, a pardon was granted.

In the case of an application for a specialized medical centre permit, the legal person or partnership applying for the permit must, in addition,

(1) not have any physician sitting on the board of directors or on the internal management board, as the case may be, who has had his or her right to practise limited or suspended or been temporarily struck off the roll in the three years preceding the application; and

(2) have a liability insurance contract in the amount of not less than \$1,000,000 per claim providing coverage against the pecuniary consequences of any liability for fault or negligence in operating the specialized medical centre, and commit to maintaining such a contract in force for the entire term of the permit.

4. An application for a permit made by a legal person or a partnership under section 3 must be accompanied by

(1) a resolution from the board of directors or the internal management board, as the case may be, authorizing the filing of a permit application; and

(2) a copy of the constituting act or contract of partnership, as the case may be.

In the case of an application for a specialized medical centre permit, the following information and documents are also required:

(1) the name and address of the shareholders or partners, the percentage of their shares in the legal person or partnership and the voting rights attached to the shares, their profession in the case of natural persons or their object in the case of legal persons or partnerships;

(2) the name and profession of the members of the board of directors or the internal management board;

(3) for every physician who is a shareholder, a partner or a member of the board of directors or internal management board, his or her membership number assigned by the Collège des médecins du Québec; and

(4) proof that the legal person or partnership has the insurance contract required by subparagraph 2 of the second paragraph of section 3.

5. An application for renewal of a specialized medical centre permit must be made at least 6 months before its date of expiry.

The person or partnership applying for renewal must satisfy the conditions and provide the documents and information referred to in section 1, 2, 3 or 4, as the case may be, except documents that have already been provided to the Minister if the applicant certifies that they are still complete and accurate.

6. The person or partnership applying for a permit must submit with the application a written undertaking to the effect that the person or partnership will post and maintain the permit posted in full view of the public.

7. This Regulation comes into force on 1 January 2008.

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Draft Regulations

Draft Regulation

Youth Protection Act
(R.S.Q., c. P-34.1)

Financial assistance to facilitate tutorship to a child

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and the second paragraph of section 132 of the Youth Protection Act (R.S.Q., c. P-34.1), that the Regulation respecting financial assistance to facilitate tutorship to a child, appearing below, may be made by the Government on the expiry of 60 days following that publication.

The draft Regulation determines the terms and conditions on which a tutor may be granted financial assistance for the child's upkeep to facilitate tutorship to the child.

The Regulation has no impact on enterprises, in particular small and medium-sized businesses.

Further information may be obtained by contacting Chantal Maltais, 1075, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1S 2M1; telephone: 418 266-6840; fax: 418 266-6807; e-mail: chantal.maltais@msss.gouv.qc.ca

Any interested person wishing to make comments on the matter may do by writing to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1, before the expiry of the 60-day period.

PHILIPPE COUILLARD,
Minister of Health and Social Services

Regulation respecting financial assistance to facilitate tutorship to a child

Youth Protection Act
(R.S.Q., c. P-34.1, s. 132, 1st par., subpar. i;
2006, c. 34, s. 70)

DIVISION I APPLICATION FOR AND PAYMENT OF FINANCIAL ASSISTANCE

1. A tutor referred to in section 70.2 of the Youth Protection Act (R.S.Q., c. P-34.1), enacted by section 36 of chapter 34 of the Statutes of 2006, must, in order to be granted financial assistance for the upkeep of a child under tutorship, submit an application to the institution operating a child and youth protection centre in the place where the director had the tutor appointed, using the form provided by the institution.

The application must contain the following information and be accompanied by the following documents:

- (1) the tutor's name, address, date of birth and social insurance number;
- (2) the name of the child for whom financial assistance is applied for and the child's certificate of birth;
- (3) the tutorship judgment or a copy of the minutes of the judgment; and
- (4) a sworn statement from the tutor and a person to whom the tutor is not related certifying that the tutor resides in Canada or, as the case may, is in a situation described in the second paragraph of section 9.

For the purposes of this Regulation, a tutor's residence is the place where the tutor ordinarily resides.

2. The institution must ensure that assistance is provided to a person wishing to make an application for financial assistance and inform that person of the rights and obligations under this Regulation.

3. The institution receives the application for financial assistance, ascertains its admissibility, establishes the level of services in accordance with section 12 of this Regulation, determines the amount to which the tutor is entitled, informs the tutor in writing of the financial assistance granted and pays the assistance monthly.

DIVISION II

DURATION, RENEWAL, SUSPENSION AND CESSATION OF FINANCIAL ASSISTANCE

4. Financial assistance is granted for a 12-month period starting on the first day of the month following the tutorship judgment. It may be renewed yearly until the child reaches 18 years of age, or 20 years of age if the child attends a secondary school on a full-time basis and the tutor provides for the child's upkeep.

The tutor must submit a renewal application to the institution referred to in section 1. The application must meet the requirements of Division 1 and be submitted in the 60 days preceding the expiry date of the period for which financial assistance was granted to the tutor.

If the child is 18 years of age or older, the renewal application must be accompanied by proof that the child attends a secondary school on a full-time basis and by a sworn statement from the tutor certifying that the tutor still provides for child's upkeep.

5. The institution suspends the financial assistance granted to a tutor

(1) if the tutor does not apply for renewal within the prescribed time; or

(2) if the child under tutorship is, under the law, entrusted, placed or provided with foster care outside the residence of the tutor for a period exceeding 30 consecutive days.

In case of suspension, financial assistance is no longer granted from the first day of the month following the suspension date.

6. If the renewal application is not submitted within the 60-day period prescribed in section 4, financial assistance may be granted retroactively for a 6-month period including the month of the application.

7. Where the child under tutorship is in the situation described in subparagraph 2 of the first paragraph of section 5, the tutor must so inform the institution as soon as possible and, in such a case, no contribution under section 513 of the Act respecting health services and social services (R.S.Q., c. S-4.2) may be required from the tutor.

8. If the tutor informs the institution that the child is no longer in the situation described in subparagraph 2 of the first paragraph of section 5, financial assistance resumes as of the first day of the month following the date of return of the child.

9. Financial assistance ends if

(1) the child dies;

(2) the child reaches 18 years of age, or 20 years of age if the child attends a secondary school on a full-time basis and the tutor provides for the child's upkeep;

(3) tutorship is revoked or ends for other reasons, including the tutor's death or replacement; or

(4) the tutor leaves Canada to establish his or her residence in another country.

Despite subparagraph 4 of the first paragraph, financial assistance is maintained if the tutor leaves Canada and

(1) is registered as a student at a teaching establishment in Québec or Canada while pursuing a program of study outside Canada;

(2) is a trainee outside Canada at a university, an institution affiliated with a university, a research institute, a government or international body or an enterprise or agency affiliated with such an institute or body;

(3) is employed by the government of Québec, the government of another province in Canada or the government of Canada and is posted outside Canada;

(4) holds employment outside Canada on behalf of a legal person, a partnership or an organization having its head office or a place of business in Québec to which the tutor is directly accountable;

(5) works abroad as an employee of a non-profit organization having its head officer in Canada, under an international aid or cooperation program; or

(6) is a member of the Royal Canadian Mounted Police or the Canadian Forces.

Financial assistance that is terminated ceases to be granted on the first day of the month following the date of termination.

10. A tutor must inform the institution as soon as the tutor is in one of the circumstances or situations described in section 9 and, if leaving Canada, must do so before leaving.

11. If a tutor referred to in subparagraph 4 of the first paragraph of section 9 returns to Canada to establish residence and makes an application for financial assistance in accordance with Division I, financial assistance may be granted again as of the first day of the month following the date of receipt of the application.

DIVISION III CALCULATION AND TERMS OF FINANCIAL ASSISTANCE

12. The amount of financial assistance is obtained by adding the compensations listed below and provided for in the Classification of services offered by family-type resources and the rates of compensation applicable to each type of service (M.O., 1993, 93-12-30) established by the Minister of Health and Social Services under sections 303 and 314 of the Act respecting health services and social services:

(1) the basic daily compensation paid pursuant to section 4 of the classification, determined and adjusted according to the child's age;

(2) the daily supplement paid pursuant to section 5 of the classification, determined according to the level of services required by the child and the child's difficulties;

(3) the lump sum paid pursuant to section 5.1 of the classification as a supplement to the basic daily compensation;

(4) the daily allowance paid pursuant to section 20.1 of the classification to cover the child's personal expenses.

A lump sum of \$40 per month is added to the amount obtained pursuant to the first paragraph. That amount is indexed as provided in the first, third and fourth paragraphs of the classification.

13. The level of services required to determine the daily supplement is established at the time of the initial application for financial assistance and remains unchanged regardless of any subsequent application.

14. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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