



Part 2

LAWS AND REGULATIONS

12 June 2024 / Volume 156

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Part 2 – LAWS AND REGULATIONS

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Part 2 shall contain:

- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
- (4) regulations made by courts of justice and quasi-judicial tribunals;
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Email: gazette.officielle@servicesquebec.gouv.qc.ca
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PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

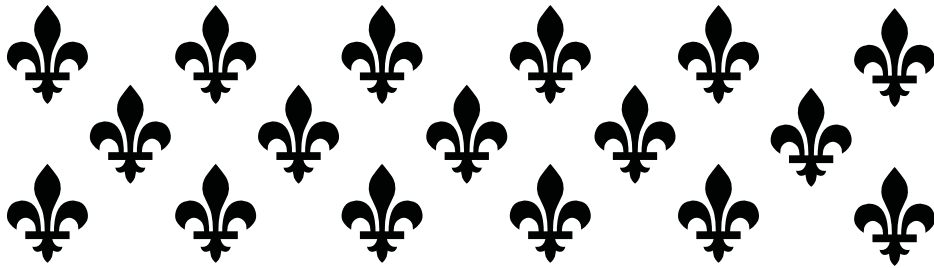
QUÉBEC, 22 MAY 2024

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 22 May 2024*

This day, at one o'clock in the afternoon, Her Excellency the Lieutenant-Governor was pleased to assent to the following bill:

60 An Act to authorize the making of collective agreements with a term of more than three years in the public and parapublic sectors

To this bill the Royal assent was affixed by Her Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 60
(2024, chapter 17)

**An Act to authorize the making of
collective agreements with a term of
more than three years in the public
and parapublic sectors**

**Introduced 24 April 2024
Passed in principle 2 May 2024
Passed 21 May 2024
Assented to 22 May 2024**

**Québec Official Publisher
2024**

EXPLANATORY NOTES

This Act allows the collective agreements in the public and parapublic sectors that follow the collective agreements that expired on 31 March 2023 to have a term of more than three years. It also specifies that private institutions under agreement in the health and social services sector may make a collective agreement for a term of more than three years.

Bill 60

AN ACT TO AUTHORIZE THE MAKING OF COLLECTIVE AGREEMENTS WITH A TERM OF MORE THAN THREE YEARS IN THE PUBLIC AND PARAPUBLIC SECTORS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Despite section 111.1 of the Labour Code (chapter C-27), a collective agreement following a collective agreement that expires on 31 March 2023 may be made for a term of more than three years in the public and parapublic sectors.

In such a case, the reference to paragraph *d* of section 22 of the Labour Code in section 111.3 of that Code must be read as a reference to paragraph *e* of that section 22.

2. Despite section 111.1 of the Labour Code, a collective agreement following a collective agreement to which Division III of Chapter V.1 of that Code does not apply at the time it is made may be made for a term of more than three years by a private institution under agreement.

Despite section 65 of that Code, a first collective agreement may be made for a term of more than three years by a private institution under agreement.

In such cases, the reference to paragraph *d* of section 22 of the Labour Code in section 111.3 of that Code must be read as a reference to paragraph *e* of that section 22.

This section applies to institutions that become, before 31 December 2025 or a later date set by the Government, private institutions under agreement within the meaning of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2).

3. This Act comes into force on 22 May 2024.

Coming into force of Acts

Gouvernement du Québec

O.C. 918-2024, 29 May 2024

Act to make the health and social services system more effective
— Coming into force of certain provisions

WHEREAS, under the portion before subparagraph 1 of the first paragraph of section 1636 of the Act to make the health and social services system more effective (2023, chapter 34), the provisions of the Act come into force on the date that is six months after the date set by the Government, except those referred to in subparagraphs 1 to 17 of that paragraph;

WHEREAS it is expedient to ensure that the provisions of the Act, except those referred to in subparagraphs 1 to 17 of the first paragraph of section 1636, come into force on 1 December 2024;

WHEREAS it is expedient to set 1 June 2024 as the date on which begins the six-month period preceding the coming into force of the provisions of the Act, except those referred to in subparagraphs 1 to 17 of the first paragraph of section 1636 of the Act;

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

THAT 1 June 2024 be set as the date on which begins the six-month period preceding the coming into force of the provisions of the Act to make the health and social services system more effective (2023, chapter 34), except those referred to in subparagraphs 1 to 17 of the first paragraph of section 1636 of the Act.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

106884

Gouvernement du Québec

O.C. 946-2024, 5 June 2024

Act respecting health and social services information and amending various legislative provisions
— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act respecting health and social services information and amending various legislative provisions

WHEREAS, pursuant to section 282 of the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5), the provisions of the Act come into force on the date or dates to be set by the Government, except sections 267 and 276, which come into force on 4 April 2023;

WHEREAS it is expedient to set 1 July 2024 as the date of coming into force of the following provisions of the Act:

(1) sections 1 and 2;

(2) section 3, except, in the definition of “institution” provided for in the first paragraph, with respect to the Act respecting health services and social services for Cree Native persons (chapter S-5), where that definition is not necessary for the purposes of sections 38 and 38.1 of the Public Health Act (chapter S-2.2), enacted by section 234 of the Act respecting health and social services information and amending various legislative provisions;

(3) sections 4 to 89;

(4) section 90, except subparagraphs 3 and 5 of the second paragraph;

(5) sections 91 to 102, 104 to 173, 177 to 180 and 186 to 201;

(6) section 202, except with respect to the repeal of sections 65.0.3 and 65.0.4 of the Health Insurance Act (chapter A-29);

(7) sections 203 to 208;

(8) section 209, except with respect to the striking out of the first paragraph of section 10 of the Act to authorize the communication of personal information to the families of Indigenous children who went missing or died after

being admitted to an institution (chapter C-37.4) provided for in paragraph 1, where that paragraph applies to the records of the beneficiaries of an institution referred to in the Act respecting health services and social services for Cree Native persons and the information they contain;

(9) section 210, except with respect to the replacement in the first paragraph of section 28 of the Public Curator Act (chapter C-81) provided for in paragraph 1, where that paragraph applies to the records of beneficiaries in an institution referred to in the Act respecting health services and social services for Cree Native persons and the information they contain;

(10) sections 211 and 212;

(11) section 214, except with respect to the striking out of paragraph 9 of section 3 of Schedule I to the Act respecting administrative justice (chapter J-3) where that paragraph applies to an application or contestation made pursuant to the ninth paragraph of section 7 of the Act respecting health services and social services for Cree Native persons;

(12) sections 215, 216 and 218;

(13) section 221, except with respect to the striking out of the fourth paragraph of section 77 of the Act to assist persons who are victims of criminal offences and to facilitate their recovery (chapter P-9.2.1), where that paragraph applies to the records of beneficiaries in an institution referred to in the Act respecting health services and social services for Cree Native persons and the information they contain;

(14) sections 222 to 227;

(15) section 228, except with respect to the replacement in section 5 of the Act respecting the protection of persons whose mental state presents a danger to themselves or to others (chapter P-38.001), where that section applies to the records of beneficiaries in an institution referred to in the Act respecting health services and social services for Cree Native persons and the information they contain;

(16) sections 229 and 230;

(17) paragraph 1 of section 231;

(18) paragraph 1 of section 233, except with respect to the replacement in the first paragraph of section 129 of the Act respecting occupational health and safety (chapter S-2.1), where that paragraph applies to the records of beneficiaries in an institution referred to in the Act respecting health services and social services for Cree Native persons and the information they contain;

(19) sections 234 and 236;

(20) section 237, except with respect to the amendments it makes to section 132 of the Public Health Act, where that section applies to the public health director appointed under the Act respecting health services and social services for Cree Native persons and the information obtained by the public health director and referred to in section 131 of the Public Health Act;

(21) section 238, except with respect to the repeal of Chapter II of Title II of Part I of the Act respecting health services and social services (chapter S-4.2) where that Chapter applies, pursuant to section 132 of the Public Health Act, to access to the information obtained by the public health director appointed under the Act respecting health services and social services for Cree Native persons;

(22) sections 239 to 241, 243 to 249, 251, 252, 256 to 258, 261 to 266, 268, 270, 271 and 278 to 281;

(23) Schedule I, except paragraph 8;

(24) Schedule II;

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

THAT 1 July 2024 be set as the date of coming into force of the following provisions of the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5):

(1) sections 1 and 2;

(2) section 3, except, in the definition of “institution” provided for in the first paragraph, with respect to the Act respecting health services and social services for Cree Native persons (chapter S-5), where that definition is not necessary for the purposes of sections 38 and 38.1 of the Public Health Act (chapter S-2.2), enacted by section 234 of the Act respecting health and social services information and amending various legislative provisions;

(3) sections 4 to 89;

(4) section 90, except subparagraphs 3 and 5 of the second paragraph;

(5) sections 91 to 102, 104 to 173, 177 to 180 and 186 to 201;

(6) section 202, except with respect to the repeal of sections 65.0.3 and 65.0.4 of the Health Insurance Act (chapter A-29);

(7) sections 203 to 208;

(8) section 209, except with respect to the striking out of the first paragraph of section 10 of the Act to authorize the communication of personal information to the families of Indigenous children who went missing or died after being admitted to an institution (chapter C-37.4) provided for in paragraph 1, where that paragraph applies to the records of the beneficiaries of an institution referred to in the Act respecting health services and social services for Cree Native persons and the information they contain;

(9) section 210, except with respect to the replacement in the first paragraph of section 28 of the Public Curator Act (chapter C-81) provided for in paragraph 1, where that paragraph applies to the records of beneficiaries in an institution referred to in the Act respecting health services and social services for Cree Native persons and the information they contain;

(10) sections 211 and 212;

(11) section 214, except with respect to the striking out of paragraph 9 of section 3 of Schedule I to the Act respecting administrative justice (chapter J-3) where that paragraph applies to an application or contestation made pursuant to the ninth paragraph of section 7 of the Act respecting health services and social services for Cree Native persons;

(12) sections 215, 216 and 218;

(13) section 221, except with respect to the striking out of the fourth paragraph of section 77 of the Act to assist persons who are victims of criminal offences and to facilitate their recovery (chapter P-9.2.1), where that paragraph applies to the records of beneficiaries in an institution referred to in the Act respecting health services and social services for Cree Native persons and the information they contain;

(14) sections 222 to 227;

(15) section 228, except with respect to the replacement in section 5 of the Act respecting the protection of persons whose mental state presents a danger to themselves or to others (chapter P-38.001), where that section applies to the records of beneficiaries in an institution referred to in the Act respecting health services and social services for Cree Native persons and the information they contain;

(16) sections 229 and 230;

(17) paragraph 1 of section 231;

(18) paragraph 1 of section 233, except with respect to the replacement in the first paragraph of section 129 of the Act respecting occupational health and safety (chapter

S-2.1), where that paragraph applies to the records of beneficiaries in an institution referred to in the Act respecting health services and social services for Cree Native persons and the information they contain;

(19) sections 234 and 236;

(20) section 237, except with respect to the amendments it makes to section 132 of the Public Health Act, where that section applies to the public health director appointed under the Act respecting health services and social services for Cree Native persons and the information obtained by the public health director and referred to in section 131 of the Public Health Act;

(21) section 238, except with respect to the repeal of Chapter II of Title II of Part I of the Act respecting health services and social services (chapter S-4.2) where that Chapter applies, pursuant to section 132 of the Public Health Act, to access to the information obtained by the public health director appointed under the Act respecting health services and social services for Cree Native persons;

(22) sections 239 to 241, 243 to 249, 251, 252, 256 to 258, 261 to 266, 268, 270, 271 and 278 to 281;

(23) Schedule I, except paragraph 8;

(24) Schedule II.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

106888

Regulations and other Acts

Gouvernement du Québec

O.C. 863-2024, 22 May 2024

Educational Childcare Act
(chapter S-4.1.1)

Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development
(2022, chapter 9)

Access to Educational Childcare Services

Access to Educational Childcare Services Regulation

WHEREAS, under subparagraphs 1, 12, 14 to 14.0.6, 29, 30 and 31 of the first paragraph of section 106 of the Childcare Educational Act (chapter S-4.1.1), amended by section 58 of chapter 9 of the statutes of 2022, the Government may, by regulation, for part or all of Québec,

— determine the content of an application for the issuance or renewal of a permit, the qualifications required of the applicant, the conditions to be met, the information and documents to be provided and the fees to be paid;

— determine the information and documents that an educational childcare provider or home educational childcare coordinating office must update and communicate;

— determine the terms and conditions according to which an educational childcare provider must register with the single window for access to educational childcare services designated by the Minister;

— determine the terms and conditions for registering a child with the single window for access to educational childcare services and those for matching and referring a registered child;

— determine the requirements, criteria and priorities for admitting a child to an educational childcare provider or category of educational childcare providers;

— determine the terms and conditions for assigning a rank or ranks to, and for selecting, a child registered with the single window for access to educational childcare services;

— determine the information and documents that must be provided to the Minister or the administrator of the single window for access to educational childcare services by educational childcare providers or parents, in particular with regard to children's admission, exclusion or attendance or to the cessation of their attendance;

— determine the requirements relating to the establishment and content of the admission policies of permit holders for childcare centres or day care centres delivering subsidized childcare;

— prescribe to what extent and according to what terms children living in a precarious socio-economic situation must be given priority in the admission policies of permit holders for childcare centres or day care centres delivering subsidized childcare;

— determine the documents and information that parents whose child is receiving subsidized childcare must communicate to the Minister concerning their employment, annual income bracket, family make-up and childcare needs;

— determine, from among the provisions of a regulation made under section 106 of the Childcare Educational Act, those whose infringement constitutes an offence punishable under section 117 of the Act;

— specify which provisions of a regulation give rise to the imposition of an administrative penalty, and specify, or give the calculation methods to be used to determine, the amount of the penalty;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the Access to Educational Childcare Services Regulation was published as a draft regulation in Part 2 of the *Gazette officielle du Québec* of 20 September 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Families:

THAT the Access to Educational Childcare Services Regulation, attached hereto, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Access to Educational Childcare Services Regulation

Educational Childcare Act
(chapter S-4.1.1, s. 106, 1st par., subpars. 1, 12, 14 to 14.0.6, 29, 30 and 31)

Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development
(2022, chapter 9, s. 58)

CHAPTER I SINGLE WINDOW FOR ACCESS TO EDUCATIONAL CHILDCARE SERVICES

DIVISION I TECHNOLOGICAL MEDIUM

1. The single window for access to educational childcare services referred to in section 59.1 of the Educational Childcare Act (chapter S-4.1.1) is on a web-accessible medium.

2. All information to be communicated to the administrator of the single window under this Regulation must be communicated using the online services that exist for that purpose, or by telephone.

DIVISION II EDUCATIONAL CHILDCARE PROVIDER INFORMATION ENTERED

3. The following information concerning a permit holder for a childcare centre or day care centre is entered by the administrator in the single window:

(1) the name of the permit holder and the name and address of every facility;

(2) the maximum number of children per age class or per age class group who may be received in each of the facilities;

(3) whether or not the permit holder receives subsidies to offer reduced contribution childcare spaces.

4. The administrator enters in the single window the information referred to in section 3 relating to a permit applicant, with the necessary modifications, as long as the following conditions are met:

(1) the feasibility, relevance and quality of the applicant's project is to the Minister's satisfaction or the Minister has decided to allocate subsidized childcare spaces to the applicant;

(2) the Minister has approved the plans of the facilities in which the applicant proposes to offer childcare services or has authorized the applicant to provide childcare in a temporary facility under section 16.4 of the Act.

Once the information referred to in the first paragraph has been entered, the applicant may register with the single window in the manner and on the terms and conditions set out in Division III of this Chapter, with the necessary modifications.

5. The administrator enters in the single window the following information for each home educational childcare provider recognized by a home educational childcare coordinating office:

(1) the name of the provider and the address where the childcare may be provided;

(2) the number of children to whom childcare is to be provided;

(3) if applicable, the number of subsidized childcare spaces that have been assigned.

DIVISION III REGISTRATION OF EDUCATIONAL CHILDCARE PROVIDERS

6. Every educational childcare provider must register with the single window by entering the days and operating hours for childcare, the telephone number and email address to be used to communicate with parents, the contribution requested and the nature and amount of any fee or additional contribution requested.

As well, the provider must complete the registration by providing the information and documents requested by the administrator, including what is necessary for authentication purposes.

7. Registration in the single window by a permit holder delivering subsidized childcare entails the creation, for each facility, of a waiting list compliant with this Regulation on which a parent may register their child.

A permit holder delivering subsidized childcare must refer only to the waiting list that applies to the facility in which the holder intends to admit a child, in accordance with Chapter II.

8. Registration in the single window by a day care centre permit holder not delivering subsidized childcare or by a home educational childcare provider entails the creation, for the registrant, of a client reserve compliant with this Regulation on which a parent may register their child.

A holder or provider referred to in the first paragraph is free to refer to the client reserve, in accordance with Chapter III.

9. As of the registration of an educational childcare provider with the single window, and subject to the second paragraph, the information referred to in sections 3 and 5 and in the first paragraph of section 6 is published in the single window. The provider's waiting list or client reserve is then activated.

As regards a home educational childcare provider, the administrator publishes an approximate indication of the place of the residence that does not enable the residence to be identified, as well as the days and operating hours for childcare, the number of children to whom childcare is to be provided and the number of subsidized childcare spaces that have been assigned. The other information is published only with the authorization of the provider concerned.

DIVISION IV REGISTRATION OF A PARENT WITH THE SINGLE WINDOW

10. A parent wishing to register their child with the single window must personally register with the single window by providing the information and documents requested by the administrator, including what is necessary to establish the parent's identity and to communicate with an educational childcare provider with a view to the child's admission.

The parent must also specify the desired means of communication, whether by email or by telephone, for communications enabling the child to be matched with an educational childcare provider.

DIVISION V REGISTRATION OF A CHILD WITH THE SINGLE WINDOW

11. A parent wishing to have a child admitted by an educational childcare provider must register the child with the single window by providing the information and documents requested by the administrator, including what is

necessary to establish the child's identity and the parent's relationship with the child and the child's classification as established in the Schedule.

If the child has already been registered by a parent, another parent may also act as provided by the first paragraph.

DIVISION VI INDICATION OF THE CHILDCARE NEEDS OF A CHILD

12. A parent of a child registered with the single window must specify the childcare needs for the desired periods and days of childcare, as well as the desired date on which the parent would like the childcare for the child to begin, which may not be prior to the date on which that information is entered. Failing that, the parent may not enter the child on an educational childcare provider's waiting list or client reserve.

The parent may also enter in the single window the special needs of the child which must be taken into account by the provider so as to anticipate the measures required to facilitate integration of the child.

The parent may also indicate, for each waiting list or client reserve on which the child is entered,

(1) any interest in accepting a childcare space that does not fully meet the childcare needs, for the desired periods or days on which childcare is to be provided, while waiting for the childcare needs to be satisfied; or

(2) any interest in the child receiving childcare in an occasional or irregular manner should another child admitted be temporarily absent, for the duration of the absence, while waiting for the childcare needs to be satisfied.

DIVISION VII REGISTRATION OF A CHILD ON A WAITING LIST

13. A parent may specify a preference in the single window for any facility of a permit holder delivering subsidized childcare in which the parent would like to have their child registered.

The parent may specify more than one preference and at any time modify a stated preference or add another.

A parent's preference specified in accordance with this section is entered on the waiting list of the relevant facility.

If the permit holder determines criteria to be applied so that a child may be assigned a priority childcare space in the facility pursuant to section 24, the parent must indicate whether or not their child meets the criteria. If the child does meet the criteria, the parent is informed that at the time the contact information is sent to a permit holder pursuant to section 31, the parent will have to provide any documents, information or attestations the permit holder requests to determine whether the child at that time meets the applicable criteria allowing the child to be assigned the priority childcare space; failure to provide what is requested will prevent the child from filling that childcare space.

DIVISION VIII REGISTRATION OF A CHILD ON A CLIENT RESERVE

14. A parent may specify a preference in the single window for any day care centre permit holder not delivering subsidized childcare or for any home educational childcare provider with whom the parent would like to have their child registered. The parent may specify more than one preference and at any time modify a stated preference or add another.

A parent's preference specified in accordance with this section is entered on the corresponding client reserve of the day care centre permit holder or the home educational childcare provider.

DIVISION IX UPDATING OF INFORMATION

§1. Updating of information concerning educational childcare providers

15. An educational childcare provider must update the information entered at the time of registration as soon as any change occurs in the information, or at the request of the administrator made by email or through the online service.

Should the provider fail to follow through on a request made under the first paragraph, and until the update has been completed, no contact information of a parent in connection with the admission of a child may be sent to a permit holder pursuant to section 31. In addition, an educational childcare provider's client reserve is no longer accessible to the provider and a provider having such a reserve may no longer declare a child admitted.

16. On the issue of a permit or a permit modification, the information contained in the permit and referred to in section 3 is entered or updated in the single window by the administrator.

If the modification concerns information referred to in paragraph 3 of section 3, a new waiting list or client reserve, as applicable, is created and the previous waiting list or client reserve terminates. The administrator informs the parent of each child registered on the waiting list or client reserve that is to terminate and the child is then registered with the same information on the new list or reserve, unless the parent withdraws the registration.

The administrator proceeds in the manner provided in the first paragraph for any permit suspension, revocation or non-renewal.

17. The administrator proceeds in the manner provided in section 16, with the necessary modifications,

(1) when a permit is issued to an applicant acquiring the assets of a permit holder and continuing to provide childcare services in accordance with the second paragraph of section 11 of the Act;

(2) for authorizations given to a permit holder to provide childcare services elsewhere than at the address appearing on the permit in accordance with the second paragraph of section 16 of the Act;

(3) for authorizations given to a childcare centre or day care centre permit holder to maintain the provision of childcare services to the children who would otherwise not have any in accordance with section 16.1 of the Act;

(4) for authorizations given to a childcare centre permit holder or a person already holding a day care centre permit to provide childcare services to children in a temporary facility in accordance with the first paragraph of section 16.4 of the Act; or

(5) for authorizations given to a permit holder for modification of the permit, in accordance with section 21 or 21.1 of the Act.

In the cases described in subparagraphs 2 to 4 of the first paragraph, the administrator is not required to enter or update the information if the authorization is valid for a period of 90 days or less. The information must be updated when such an authorization expires.

18. The administrator updates the information published in the single window following any suspension, revocation or non-renewal of recognition of a home educational childcare provider.

If the recognition of a home educational childcare provider is suspended, an entry is also published in the single window stating that while the suspension is in effect, no new registration can be entered on the provider's client reserve and the provider cannot provide childcare.

§2. Updating of information concerning parents and children

19. A parent must update the information provided under Divisions IV to VIII of this Chapter as soon as any change occurs in the information, or at the request of the administrator. Should the parent fail to follow through on the request, the child's registration is suspended on every waiting list and client reserve until the updating has been completed.

If the parent has failed to comply with a request made under the first paragraph for more than 6 months, the child's registration is removed from every waiting list and client reserve.

20. When a child is admitted by an educational childcare provider, the administrator must request the parent to indicate in the single window, for every waiting list or client reserve on which the child is registered, whether the child is to remain on the waiting list or client reserve.

Should the parent fail to indicate preferences within the time allowed, the child's registration is suspended on every waiting list and client reserve until the parent has complied with the request.

If the failure continues for a period of 6 months, the child's registration is removed from every waiting list and client reserve.

21. The requests made by the administrator under the first paragraph of section 19 or the first paragraph of section 20 must be sent to the parent by email or, that failing, by telephone, and be made with a minimum 30-day compliance period.

The administrator must, where applicable, follow up with a reminder between the fifteenth and tenth day before the period expires; failing that, the period is suspended until such follow-up is done.

The administrator must, in the same manner, follow up with a reminder before the end of the period provided for in the second paragraph of section 19 or in the third paragraph of section 20; failing that, the period is suspended until such follow-up is done.

CHAPTER II

ADMISSION OF CHILDREN BY A PERMIT HOLDER DELIVERING SUBSIDIZED CHILDCARE

DIVISION I

ADMISSION POLICY

§1. Establishment of admission policy

22. A permit holder delivering subsidized childcare must establish an admission policy that complies with this Chapter. A child cannot be admitted if the policy has not been adhered to.

23. Where a childcare centre operates more than one facility, this Chapter and the Schedule apply to each facility as if it were a childcare centre, with the necessary modifications, except subparagraphs 1 and 3 of the first paragraph of section 28 and class 2 in section 1 in the Schedule.

§2. Priority based on mission or agreement

24. Subject to section 27, a permit holder delivering subsidized childcare may, in the admission policy, give priority to certain children in keeping with one of the objects set out in section 1 of the Act, if the holder has entered into a written agreement to that effect with a third party other than a permit holder not delivering subsidized childcare or a natural person, including a home educational childcare provider, or the priority is consistent with the permit holder's mission.

To do so, the permit holder determines

(1) any criterion to be applied so that a child may be assigned such a priority childcare space; and

(2) for each criterion, the maximum ratio of childcare spaces offered to children given priority under this section compared to the number of childcare spaces stated on the permit. The cumulative maximum proportion for all criteria cannot be greater than 100%.

A criterion determined under the second paragraph must relate to a current situation concerning the child or the child's parent and cannot relate to the relationship between a member of the staff and a child or between two children otherwise than in the manner set out in the Schedule.

25. A permit holder delivering subsidized childcare may enter into an agreement with a public health and social services institution under which childcare spaces are reserved to meet urgent needs.

The ratio of childcare spaces reserved for children under this section may not be greater than 5% of the number of childcare places stated on the permit of the holder referred to in the first paragraph.

26. A permit holder delivering subsidized childcare must indicate in the single window any criterion and ratio determined pursuant to the second paragraph of section 24 as well as the choice made to reserve childcare spaces under section 25. The information is published in the single window.

If an indicated criterion gives priority to children with special needs requiring adaptive measures to facilitate their integration, the permit holder may use the special method of child identification provided for in section 35 for children meeting the criterion. In that case, sections 33 and 34 do not apply.

27. In order to be able to apply the criteria determined in relation to an agreement under section 24 or to admit a child who is the subject of an agreement entered into under section 25, a permit holder must first provide the Minister with a copy of the relevant agreement along with, if applicable, an indication of the nature or amount of any contribution received from the third person. The information referred to in the first paragraph of section 26 must also be indicated.

DIVISION II CHILD REFERRAL, MATCHING AND ADMISSION

§1. Identification by a permit holder of the child to be admitted

28. A permit holder may admit a child registered with the single window who has not been identified by the administrator, in priority to any other child, only if,

- (1) in the case of a childcare centre, the child has been admitted to another of the holder's facilities;
- (2) the child is admitted pursuant to an agreement under the first paragraph of section 25;
- (3) the child is among the first children admitted to the first facility of a new childcare centre and subparagraph 2 of the first paragraph of section 7 of the Act applies to the parent as a future client of the childcare centre; or
- (4) the child is among the clientele of an educational childcare provider who ceases operations in a situation described in the second sentence of the second paragraph of section 11, in section 16.1 or in section 93.0.8 of the Act.

Subdivisions 2 and 3 of this Division do not apply in such situations.

§2. Identification by the administrator of an admissible child

29. A permit holder delivering subsidized childcare and intending to admit a child must identify the characteristics of the childcare space available, namely

- (1) the date on which provision of childcare begins, which cannot be more than 8 months later;
- (2) the available periods and days on which childcare is provided;
- (3) whether or not the childcare space must be filled by a child meeting the conditions referred to in section 24 for filling a childcare space and, if applicable, the criterion that applies among those determined under that section; and
- (4) the minimum and, if the holder so wishes, the maximum age of the admissible child on the date indicated under subparagraph 1, in compliance with the following conditions:
 - (a) the minimum age must be 0 months, 9 months or a number of months that is a multiple of 6 equal to or greater than 18, without exceeding 48 months;

- (b) the maximum age, if the permit holder specifies one, must be 9 months less a day, 18 months less a day or a number of months greater than 18 months that is a multiple of 6 months, less a day, without exceeding 48 months less a day.

The permit holder must then ensure the needs are met of every parent whose child has already been admitted and who wishes the child to have extended attendance time within the periods and days identified in subparagraph 2 of the first paragraph, provided the age of the child is included in the age range referred to in subparagraph 4 of the first paragraph.

Despite the first and second paragraphs, if the permit holder has occasional needs to fill and to do so intends to admit a child for whom the parent, in accordance with subparagraph 2 of the third paragraph of section 12, has indicated an interest in occasional or irregular attendance while waiting for childcare needs to be satisfied, identification of the characteristics of the available childcare space is limited to subparagraphs 1, 3 and 4 of the first paragraph, and the second paragraph does not apply.

If, in accordance with the second paragraph, the needs are satisfied or the available periods and days on which childcare is provided do not allow greater needs to be met, or the permit holder wishes to meet occasional needs in

accordance with the third paragraph, the permit holder must request the administrator to identify the admissible child and provide the administrator with the characteristics of the available childcare space.

30. The administrator receiving a request pursuant to section 29 identifies the admissible child, that is, the child who, at the time the administrator receives the request,

(1) is able to fill the available childcare space within the meaning of the second paragraph;

(2) is in the most predominant class as established in section 1 in the Schedule, in which there is at least one child able to fill the available childcare space; or

(3) occupies the highest rank, as established in section 2 in the Schedule, within the class referred to in subparagraph 2 of this paragraph.

A child is able to fill the available childcare space if the child is registered on the permit holder's waiting list, the information entered in the single window concerning the child corresponds to the characteristics of the available childcare space indicated in the request, and the childcare needs are included in the available periods and days on which childcare is provided, if those periods and days must be indicated pursuant to section 29. The childcare needs specified by the parent may only partially correspond to the available periods and days on which childcare is provided if the parent has indicated an interest, pursuant to subparagraph 1 of the third paragraph of section 12, in accepting a childcare space that does not fully meet the childcare needs while waiting for the childcare needs to be satisfied.

31. The administrator sends the permit holder the contact information of the parent of the child identified under section 30, the name of the child and the child's childcare needs specified by the parent. If applicable, the administrator also sends the permit holder any known information to the effect that another child residing at the same address is registered on the same waiting list.

At the same time, the administrator informs the parent who entered the child on the waiting list that the parent's contact information and the name of the child have been sent to the permit holder referred to in the first paragraph.

32. If a tie in ranks occurs at the time the administrator is to identify the admissible child, the child who is in a precarious socio-economic situation within the meaning of the second paragraph has priority.

A child is considered to be in a precarious socio-economic situation where a person having parental authority over the child receives benefits under a last resort financial assistance program established under the

Individual and Family Assistance Act (chapter A-13.1.1) or receives the maximum amount as a family allowance under Division II.11.2 of Chapter III.1 of Title III of Book IX of Part I of the Taxation Act (chapter I-3), taking into account the number of dependent children and custodial time in their respect but not the supplement for handicapped children.

If the tie persists, the oldest child on that day has priority and, if the children are the same age, the child first registered on the permit holder's waiting list has priority.

33. In addition to the communication referred to in section 31, where the date on which the provision of childcare is to begin, identified by the permit holder under subparagraph 1 of the first paragraph of section 29, is 30 days or less after the date of the request made under the fourth paragraph of that section, the permit holder may request the administrator to send the contact information of the parents of the second and third children that would be identified by the administrator for the same childcare space pursuant to section 31, and informs the parents accordingly. The administrator must specify the order of the children.

The permit holder may communicate with the parents once that information has been received, but no new matching is to take place with the second child, on the conditions set out in subdivision 3 of this Division, until after the permit holder has informed the administrator that the first child has been refused pursuant to section 43. For the purposes of this Division, the second child is then considered, without further formality, to be the child for whom the administrator sent the parent's contact information regarding the childcare space, pursuant to section 30, and the administrator informs the parent accordingly.

As soon as the permit holder has informed the administrator that the second child has been refused pursuant to section 43, the permit holder proceeds in the manner provided for in the second paragraph for the third child, with the necessary modifications.

34. For as long as a child has not been admitted by the permit holder referred to in section 33, a child for whom the administrator has sent the parent's contact information pursuant to the first paragraph of that section is deemed to occupy the highest rank within his or her class within the meaning of the Schedule for any available childcare space with the same permit holder, provided the child is able to fill that childcare space.

Where such an advantage is given to a number of children at the same time, the child identified as the second child under section 33 prevails over the child identified as the third child and, if other children have obtained that advantage, the child who obtained the advantage first has precedence.

35. A special method of child identification applies where the permit holder

(1) has requested it pursuant to the second paragraph of section 26; and

(2) has specified, in the request to identify the admissible child, pursuant to subparagraph 3 of the first paragraph of section 29, that a criterion to give priority to children with special needs must be applied.

In that case, in addition to the particulars referred to in section 31, the administrator sends the permit holder the contact information of the parents of the second and third children that would be identified by the administrator for the same childcare space under section 30, and informs the parents accordingly. The administrator must specify the order of the children.

The second and third children the administrator has identified are given, in that order, admission priority for the next available childcare space with the permit holder that must be filled by a child who meets the same criterion indicated pursuant to subparagraph 2 of the first paragraph, provided the child is able to fill that childcare space. Where such a priority applies to a number of children at the same time, the children who have obtained the priority first have precedence.

For the purposes of this Division, the child who has priority to fill a childcare space under the second paragraph is considered, without further formality, to be the child for whom the administrator sent the parent's contact information, pursuant to section 31, for that childcare space, and sections 33 and 34 do not apply to the child.

36. Where pursuant to the second paragraph of section 12, a parent has specified special needs of the child which must be taken into account by an educational childcare provider so as to anticipate the measures required to facilitate integration of the child, the information is sent to the permit holder at the time the parent's contact information is sent pursuant to section 31, 33 or 35.

§3. Matching of a child identified by the administrator with a permit holder

37. When the administrator has sent a parent's contact information to a permit holder pursuant to section 31, the permit holder communicates with the parent using the means of communication described in the second paragraph of section 10 to propose admitting the child. The permit holder must document all steps taken to reach the parent.

The matching and admission procedure must take place in accordance with sections 38 to 47.

If the parent does not reply to the communication sent by the permit holder pursuant to the first paragraph, the holder must make another attempt to reach the parent in the 2 following days.

38. When communicating with a parent for the first time in connection with the process provided for in this subdivision, whether the parent is reached or not, the permit holder must provide the parent with an opportunity to visit the facility, during childcare hours, in the 3 following days.

The permit holder may require that such a visit take place, in which case that requirement must be mentioned when communicating with the parent for the first time, and the period provided for in the first paragraph must be a minimum 5-day period.

39. A permit holder gives a parent a minimum of 2 days to reply to the proposal to admit their child.

The reply period begins as soon as the visit takes place, as soon as the period referred to in the first paragraph of section 38 has expired, if the visit is optional, or as soon as the parent declines the visit, if possible to do so. The period may also begin at any other date, after those dates, set by the permit holder.

40. Where the date on which the provision of childcare is to begin, identified by the permit holder under subparagraph 1 of the first paragraph of section 29, is 15 days or less after the date of the request made under the fourth paragraph of that section, sections 37, 38 and 39 are to be read by replacing "2 days", "3 following days" and "5 days" by "1 day", "2 following days" and "3 days" respectively, with the necessary modifications.

41. A parent may accept the permit holder's proposal for all of the available periods and days on which childcare is provided, and may also accept the proposal for only a portion of those periods and days, although the parent must, at a minimum, accept the childcare space for all the available periods and days of childcare for which the childcare needs were specified. The parent must mention that choice to the permit holder on accepting the proposal; the holder cannot refuse the child because of the choice made by the parent pursuant to this section.

42. On the expiry of the period referred to in the first paragraph of section 39, the permit holder's proposal lapses if the parent has not accepted it pursuant to section 41, in which case the permit holder informs the administrator of the situation.

The child's registration on the permit holder's waiting list is suspended as a result and the administrator sends the parent an update request in accordance with section 19.

Where the permit holder's proposal to admit for the second time the same child lapses because the proposal has expired, the child is removed from the permit holder's waiting list.

43. A permit holder delivering subsidized childcare who refuses to admit a child for whom the administrator has sent the parent's contact information pursuant to section 31, 33 or 35 and who informs the administrator of that fact under section 59.12 of the Act must do so without delay and briefly provide the reasons for the refusal; failing that, the permit holder cannot again attempt to fill the same childcare space before the administrator has been informed.

The child as a result is removed from the waiting list.

The permit holder must record the reasons for the decision in writing and notify them to the parent at the latest on the fifteenth day following the refusal.

The permit holder cannot refuse to admit a child solely for the reason that, after the parent's contact information has been sent pursuant to section 31, the child or the parent's situation has changed so that the child no longer meets the conditions or characteristics that enabled the childcare space to be offered to the child, or that the child has been outranked by another child.

44. A parent's refusal to accept their child being admitted by a permit holder delivering subsidized childcare entails removal of the child from the corresponding waiting list.

Despite the first paragraph, the child is not removed from the waiting list if the parent refuses a childcare space that does not correspond to the needs specified pursuant to the first paragraph of section 12 and the childcare space was offered because, pursuant to subparagraph 1 of the third paragraph of section 12, the parent indicated an interest in accepting a childcare space that does not fully meet the childcare needs while waiting for the childcare needs to be satisfied or, pursuant to subparagraph 2 of that third paragraph, because of the parent's interest in having the child receive childcare in an occasional or irregular manner while waiting for the childcare needs to be satisfied. In such a case, the parent is deemed, for the future and for that waiting list, to not have indicated that interest.

§4. Admission of a child

45. A permit holder must, as soon as a child is admitted and the permit holder informs the administrator of that fact in accordance with section 59.10 of the Act, indicate to the administrator the periods and days on which childcare is to be provided to the child and, if the child has been admitted pursuant to section 28, which of the situations described in that section authorizes the admission.

In addition, the permit holder must inform the administrator within 15 days after the provision of childcare to the child begins.

46. Where a child is admitted in a situation described in section 24 or 28, the permit holder must keep proof that the child meets the criteria determined under the applicable provision.

In addition, where a child is admitted after being placed in a level 1 or 2 class in section 1 in the Schedule, the permit holder must keep the proof that the child's parent is a member of the staff at the time of admission.

The permit holder must keep the proof referred to in the first and second paragraphs for a period of 6 years following the end of the provision of childcare to the child.

47. Where, before provision of the childcare begins, a permit holder or the administrator becomes aware that the information entered by the parent in the single window was false or inaccurate and the information enabled the matching, the child concerned cannot be admitted, and if a childcare service agreement has been entered into without having taken effect, it is terminated as of right and the permit holder informs the parent accordingly. If it is the permit holder who becomes aware of the falsity or inaccuracy, the holder informs the administrator accordingly.

Despite the second paragraph of section 43, if a permit holder refuses to admit a child pursuant to the first paragraph of this section, the child's registration on the permit holder's waiting list is suspended and the administrator requests the parent to update the information in accordance with section 19.

DIVISION III INDICATION OF RANK

48. The administrator indicates the rank assigned to the children on a waiting list in such a way that the parents are able to know the approximate position of their children on the waiting list. The administrator makes the methodology available.

CHAPTER III ADMISSION OF CHILDREN BY AN EDUCATIONAL CHILDCARE PROVIDER OTHER THAN A PERMIT HOLDER DELIVERING SUBSIDIZED CHILDCARE

49. The administrator makes available to a day care centre permit holder not delivering subsidized childcare or to a home educational childcare provider, through the online service and in relation to the children entered on their client reserve,

(1) the contact information for communication with their parents, and the first 3 characters in their postal code;

- (2) which children reside together;
- (3) the names and ages of the children;
- (4) the parents' desired dates on which childcare is to begin;
- (5) the childcare needs specified by the parents pursuant to the first paragraph of section 12; and
- (6) any interest indicated by the parents pursuant to subparagraphs 1 and 2 of the third paragraph of section 12.

50. A parent's refusal to accept their child being admitted by a permit holder not delivering subsidized childcare or by a home educational childcare provider, or refusal by such a provider to admit a child after communicating with the child's parent entails, at the request of the provider, the removal of the child from the client reserve.

51. A day care centre permit holder not delivering subsidized childcare and a home educational childcare provider must, when admitting a child and informing the administrator in accordance with section 59.10 of the Act, indicate to the administrator the periods and days on which childcare will be provided to the child.

In addition, the permit holder or provider must inform the administrator within 15 days after the provision of childcare to the child begins.

A home educational childcare provider may request the coordinating office that recognized the provider to indicate the information or to give the notices required under this section.

CHAPTER IV CESSATION OF THE PROVISION OF CHILDCARE

52. An educational childcare provider must, within 15 days, inform the administrator of the cessation of the provision of childcare to a child, and briefly indicate the reasons for the cessation.

A home educational childcare provider may request the coordinating office that recognized the provider to inform the administrator in accordance with the first paragraph and briefly indicate to the administrator the reasons for the cessation of the provision of childcare.

CHAPTER V CALCULATION OF TIME PERIODS

53. In calculating a time period provided for in this Regulation, except in the Schedule,

- (1) the day that marks the start is not counted but the terminal day is;

- (2) if the time period is less than 15 days, holidays are not counted; and

- (3) if the time period is equal to or greater than 15 days, holidays are counted but, if the last day is a holiday, the time period is extended to the first working day following.

For the purposes of subparagraphs 2 and 3 of the first paragraph, Saturday is considered a holiday, as are 2 January and 24, 26 and 31 December.

CHAPTER VI PENAL PROVISIONS AND ADMINISTRATIVE SANCTIONS

54. A permit holder that contravenes any of the provisions of section 6, the first paragraph of section 15, section 22, the first paragraph of section 26, sections 27, 28, 29, 37, 38, 39, 41, 43, 45 and 46, the first paragraph of section 47, the first and second paragraphs of section 51 and section 52 is guilty of an offence punishable under section 117 of the Act.

55. A person designated by the Minister for the purpose may impose an administrative penalty after ascertaining that a permit holder has failed to comply with a non-compliance notice given under section 65 of the Act with respect to the contravention of any of the provisions of section 6, the first paragraph of section 15, section 22, the first paragraph of section 26, sections 27, 28, 29, 37, 38, 39, 41, 43, 45 and 46, the first paragraph of section 47, the first and second paragraphs of section 51 and section 52.

The amount of the administrative penalty is \$500 in the case of a natural person and \$1,000 in other cases.

CHAPTER VII AMENDING PROVISIONS

56. Section 10 of the Educational Childcare Regulation (chapter S-4.1.1, r. 2) is amended by striking out "admission and" in paragraph 14.

57. Section 18.1 is amended by striking out "admission and" in the first paragraph.

58. Section 75 is amended by inserting the following after paragraph 3:

"(3.1) the provider has committed or authorized, consented to or participated in the commission of an offence under any of the provisions of sections 6, the first paragraph of section 15, the first and second paragraphs of section 51 and section 52 of the Access to Educational Childcare Services Regulation (*insert the reference to the Compilation of Québec Laws and Regulations*)."

CHAPTER VIII TRANSITIONAL AND FINAL

59. In order for a permit holder delivering subsidized childcare to be able to admit, as of the date of coming into force of this Regulation, the child of a parent to whom a childcare space was offered before that date, the permit holder must inform the administrator of the date of the beginning of the childcare not later than (*insert the date that occurs 2 months after the date of coming into force of this Regulation*).

In that case, the permit holder is not required to comply with Chapter II of this Regulation, other than section 45, for the child to be admitted.

60. The information relating to children registered with La Place 0-5 before the coming into force of this Regulation and the information relating to their parents is entered in the single window referred to in section 1 of this Regulation, without further formality. If applicable, the information relating to those children and their parents is entered on a waiting list or client reserve, as applicable, referred to in this Regulation.

61. This Regulation comes into force on the date of coming into force of section 35 of chapter 9 of the statutes of 2022.

SCHEDULE

(Sections 11, 23, 24, 30, 34, 46 and 53)

CLASSIFICATION OF CHILDREN REGISTERED ON A WAITING LIST

1. For each waiting list, the administrator places the children registered on the list in one of the classes appearing in the following table. Each child is placed in one class only. If a child qualifies for more than one class, he or she is placed in the class with the predominant level. Level 1 has predominance over all other levels, and so on until level 5, which does not have predominance over any other level.

Level	Class
1	Child who meets the conditions of level 2 and 3 classes.
2	Child who, if admitted, will receive childcare in a childcare facility of the permit holder and a parent is a member of the permit holder's staff.
3	Child who, if admitted, will receive childcare in the same facility as another child residing at the same address who is admitted to the facility.

Level	Class
4	Child who is not admitted by a permit holder delivering subsidized childcare.
5	Child who is not in a level 1 to 4 class.

2. Within each class, each child is classified by rank based on the time elapsed on a waiting list since the date desired by the parent for the provision of childcare to begin. The ranking order, calculated under the second paragraph, goes from the child with the most days on the list to the child with the fewest days, who occupies the last rank in his or her class.

For the purpose of establishing a child's rank within a class, the administrator calculates the number of days elapsed since the date desired by the parent for the provision of childcare to begin, specified pursuant to the first paragraph of section 12 of this Regulation or the date, if later, on which the child was registered on the permit holder's waiting list, up to the date of the beginning of the provision of childcare identified by the permit holder under subparagraph 1 of the first paragraph of section 29 of this Regulation. Despite the foregoing, the days during which the child's registration on the permit holder's waiting list was suspended pursuant to section 19, 20, 42 or 47 of this Regulation are not taken into account.

106870

Gouvernement du Québec

O.C. 937-2024, 5 June 2024

Education Act
(chapter I-13.3)

Computation of the amount for financing the local needs of school service centres for the 2024-2025 school year

Regulation respecting computation of the amount for financing the local needs of school service centres for the 2024-2025 school year

WHEREAS, under the first paragraph of section 455.1 of the Education Act (chapter I-13.3), the Government must, by regulation, prescribe the method for computing the amount for financing local needs for a school service centre referred to in section 303.4 of the Act and the method must make it possible to determine basic financing and financing that takes the number of students into account;

WHEREAS, under paragraph 2 of section 12 of the Regulations Act (chapter R-18.1), a proposed regulation may be made without having been published in accordance with section 8 of that Act if the authority making it is of the opinion that the proposed regulation is designed to establish, amend or repeal norms of a fiscal nature;

WHEREAS, under section 13 of that Act, the reason justifying the absence of such publication must be published with the regulation;

WHEREAS, under subparagraph 2 of the first paragraph and paragraph 2 of section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the regulation establishes, amends or repeals norms of a fiscal nature and the reason justifying such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the Regulation respecting computation of the amount for financing the local needs of school service centres for the 2024-2025 school year, attached to this Order in Council, establishes, amends or repeals norms of a fiscal nature;

IT IS ORDERED, therefore, on the recommendation of the Minister of Education:

THAT the Regulation respecting computation of the amount for financing the local needs of school service centres for the 2024-2025 school year, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation respecting computation of the amount for financing the local needs of school service centres for the 2024-2025 school year

Education Act
(chapter I-13.3, s. 455.1)

1. This Regulation sets out the method for computing the amount for financing a school service centre's local needs for the 2024-2025 school year.

2. The basic financing of a school service centre and the per-student financing are indexed by -0.10%.

The basic financing of a school service centre is therefore set at \$260,328 and the per-student financing is set at \$867.79 or, if the allowable number of students is less than 1,000, at \$1,128.80.

3. The allowable number of students for the purpose of the per-student financing referred to in section 2 is determined by

(1) calculating the number of 4-year-old preschool students who may be taken into account, by

(a) multiplying by 1.00 the number of students legally enrolled for a minimum of 144 half days, but for less than 180 days, on 30 September 2023 in the schools under the jurisdiction of the school service centre;

(b) multiplying by 1.80 the number of students legally enrolled for a minimum of 180 days on 30 September 2023 in the schools under the jurisdiction of the school service centre, except students referred to in paragraph 7;

(c) adding the products obtained under subparagraphs *a* and *b*;

(2) calculating the number of 5-year-old preschool students who may be taken into account, by multiplying by 1.80 the number of such students legally enrolled for a minimum of 180 days on 30 September 2023 in the schools under the jurisdiction of the school service centre, except students referred to in paragraphs 7 and 8;

(3) calculating the number of elementary school students who may be taken into account, by multiplying by 1.55 the number of such full-time students legally enrolled on 30 September 2023 in the schools under the jurisdiction of the school service centre, except students referred to in paragraphs 7 and 9;

(4) calculating the number of secondary school students who may be taken into account, by multiplying by 2.40 the number of such full-time students legally enrolled on 30 September 2023 in the schools under the jurisdiction of the school service centre, except students referred to in paragraphs 7 and 10. Students admitted, following Secondary 3, to a program of study leading to a secondary school vocational diploma who pursue their general education concurrently with their vocational studies may not be taken into account for the purposes of this paragraph;

(5) calculating the number of students admitted to a program of study leading to a secondary school vocational diploma or to an attestation of vocational specialization who may be taken into account under paragraph 1 of section 4, by multiplying by 3.40 the sum of the following numbers:

(a) the number of students enrolled full-time, including the conversion into full time students of those enrolled part-time, in a program of study leading to a secondary school vocational diploma, except students referred to in subparagraph *b*, or to an attestation of vocational specialization, legally enrolled during the 2022-2023 school year in the vocational training centres under the jurisdiction of the school service centre and that were then recognized by the Minister for the purposes of budgetary rules;

(b) the number of full-time students calculated in accordance with paragraph 2 of section 4 who were admitted, following Secondary 3, to a program of study leading to a secondary school vocational diploma who pursue their general education concurrently with their professional studies, legally enrolled on 30 September 2022 in the vocational training centres under the jurisdiction of the school service centre and that were then recognized by the Minister for the purposes of budgetary rules;

(c) the number of new places available to welcome students in vocational training centres under the jurisdiction of the school service centre during the 2024-2025 school year, those places having been authorized by the Minister within the framework of the allocation for the addition or the rearrangement of space for vocational training provided for in the budgetary rules for one or more vocational programs of study;

(6) calculating the number of students admitted to adult education services, by multiplying by 2.40 the number of full-time students who may be taken into account for the 2023-2024 school year in accordance with the Schedule to this Regulation;

(7) calculating the number of handicapped 4-year-old and 5-year-old preschool, elementary school and secondary school students who may be taken into account, by multiplying by 6.40 the number of such full-time students legally enrolled on 30 September 2023 in the schools under the jurisdiction of the school service centre;

(8) calculating the number of 5-year-old preschool students enrolled in welcoming classes and francization classes who may be taken into account, by multiplying by 2.25 the number of such full-time students legally enrolled on 30 September 2023 in the schools under the jurisdiction of the school service centre, except students referred to in paragraph 7;

(9) calculating the number of elementary school students enrolled in welcoming classes and francization classes who may be taken into account, by multiplying by 2.40 the number of such full-time students legally

enrolled on 30 September 2023 in the schools under the jurisdiction of the school service centre, except students referred to in paragraph 7;

(10) calculating the number of secondary school students enrolled in welcoming classes and francization classes who may be taken into account, by multiplying by 3.40 the number of such full-time students legally enrolled on 30 September 2023 in the schools under the jurisdiction of the school service centre, except students referred to in paragraph 7;

(11) calculating the number of preschool and elementary school students enrolled in school day care services on a regular basis who may be taken into account in accordance with paragraph 3 of section 4, by multiplying by 0.05 the number of such students enrolled and present at least 3 days per week and by multiplying by 0.02 the number of such students enrolled and present 1 to 2 days per week;

(12) calculating the number of students enrolled in the school service centre's student transportation services who may be taken into account in accordance with paragraph 4 of section 4, by

(a) multiplying by 0.75 the number of students enrolled on 30 September 2023 in a transportation service employing vehicles used exclusively to transport such students;

(b) multiplying by 0.40 the number of students enrolled on 30 September 2023 in a transportation service employing vehicles that have specific public transit routes and are not reserved exclusively to transport such students;

(c) adding the products obtained under subparagraphs *a* and *b*;

(13) adding the numbers obtained under paragraphs 1 to 12.

4. For the purposes of section 3,

(1) students admitted to a program of study leading to a secondary school vocational diploma or to an attestation of vocational specialization who may be taken into account by a school service centre for the purposes of subparagraphs *b* and *c* of paragraph 5 of section 3 are students who were admitted to a vocational training centre under the jurisdiction of the school service centre to receive educational services in vocational training, in vocational education programs authorized in accordance with the first paragraph of section 467 of the Education Act (chapter I-13.3);

(2) the number of full-time students calculated for the purposes of subparagraphs *b* and *c* of paragraph 5 of section 3 is obtained by adding the number of students enrolled full-time who participate in the minimum number of hours of activities prescribed by the basic school regulation applicable to them and the number of students enrolled part-time converted into a number of full-time students by

(a) using the following equation to calculate the proportion of full-time attendance per student enrolled part-time:

$$\frac{\text{the student's number of hours of activities per school year}}{\text{the minimum number of hours of activities per school year prescribed by the basic school regulation applicable to the student}}$$

(b) adding, for each of the categories of students referred to in paragraphs 1 to 10 of section 3, the proportions obtained under subparagraph *a*;

(3) students who may be taken into account by a school service centre for the purposes of paragraph 11 of section 3 are 4-year-old and 5-year-old preschool students and elementary school students enrolled on 30 September 2023 in the day care services of the school service centre for a minimum of 2 partial or complete periods per day;

(4) students who may be taken into account by a school service centre for the purposes of paragraph 12 of section 3 are students for whom the school service centre provides transportation at the beginning and end of classes each day.

5. The allowable number of students determined under section 3 must be adjusted by adding the number of additional students calculated in accordance with the second paragraph to take into account the reduction in the school population.

The number of additional students is determined by

(1) calculating the number of students who may be taken into account for the purpose of calculating the reduction in the number of students at every level of education by

(a) multiplying by 0.99 the total of the numbers obtained for the 2023-2024 school year under paragraphs 2 to 4 and 7 to 10 of section 3 of the Regulation respecting computation of the amount for financing the local needs of school service centres for the 2023-2024 school year (chapter I-13.3, r. 2.5), to which is added, where applicable, the number obtained under subparagraph 1 of this paragraph for the same school year;

(b) subtracting from the product obtained under subparagraph *a*, the sum of the numbers obtained under paragraphs 2 to 4 and 7 to 10 of section 3 of this Regulation for the 2024-2025 school year, as they read taking into account the application of section 6, if applicable;

(2) calculating the number of 5-year-old preschool students and elementary school students who may be taken into account for the purpose of calculating the reduction in the number of students by

(a) multiplying by 0.99 the number of 5-year-old preschool students and elementary school students determined for the 2023-2024 school year under paragraphs 2, 3, 7, 8 and 9 of section 3 of the Regulation respecting computation of the amount for financing the local needs of school service centres for the 2023-2024 school year to which is added, where applicable, the number obtained under subparagraph 2 of this paragraph for the same school year;

(b) subtracting from the product obtained under subparagraph *a*, the total of the numbers of 5-year-old preschool students and elementary school students obtained under paragraphs 2, 3, 7, 8 and 9 of section 3 for the 2024-2025 school year, as they read taking into account the application of section 6, if applicable;

(3) calculating the number of secondary school students who may be taken into account for the purpose of calculating the reduction in the number of students by

(a) multiplying by 0.99 the number of secondary school students determined for the 2023-2024 school year under paragraphs 4, 7 and 10 of section 3 of the Regulation respecting computation of the amount for financing the local needs of school service centres for the 2023-2024 school year, to which is added, where applicable, the number obtained under subparagraph 3 of this paragraph for the same school year;

(b) subtracting from the product obtained under subparagraph *a*, the total number of secondary school students determined under paragraphs 4, 7 and 10 of section 3 for the 2024-2025 school year, taking into account the application of section 6, if applicable;

(4) subtracting from the sum of the numbers obtained under subparagraphs 2 and 3, the number obtained under subparagraph 1 and multiplying the resulting number by 0.37;

(5) adding the numbers obtained under subparagraphs 1 and 4.

In the operations prescribed by this section, if a number is lower than zero, it is deemed to be zero.

6. Where the total number of full-time students determined under paragraphs 2 to 4 and 7 to 10 of section 3 of this Regulation exceeds by 200 or 2% the total number of full-time students determined for the 2023-2024 school year under paragraphs 2 to 4 and 7 to 10 of section 3 of the Regulation respecting computation of the amount for financing the local needs of school service centres for the 2023-2024 school year (chapter I-13.3, r. 2.5) and is at least 200 or 2% lower than the total number of full-time students in the categories referred to in paragraphs 2, 3, 4 and 7 to 10 of section 3 of this Regulation, established according to the Minister's school enrolment estimates for the 2024-2025 school year, paragraphs 2 to 4 of section 3 of this Regulation are to be read as follows:

“(2) calculating the number of 5-year-old preschool students who may be taken into account, by multiplying by 1.80 the number of such full-time students, established according to the Minister's school enrolment estimates for the 2024-2025 school year, except students referred to in paragraphs 7 and 8;

“(3) calculating the number of elementary school students who may be taken into account, by multiplying by 1.55 the number of such full-time students, established according to the Minister's school enrolment estimates for the 2024-2025 school year, except students referred to in paragraphs 7 and 9;

“(4) calculating the number of secondary school students who may be taken into account, by multiplying by 2.40 the number of such full-time students, established according to the Minister's school enrolment estimates for the 2024-2025 school year, except students referred to in paragraphs 7 and 10;”.

7. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

106887

Gouvernement du Québec

O.C. 947-2024, 5 June 2024

Act respecting health and social services information and amending various legislative provisions (2023, chapter 5)

Regulation

Regulation respecting the application of certain provisions of the Act respecting health and social services information

WHEREAS, under subparagraph 5 of the first paragraph of section 4 of the Act respecting health and social services information and amending various legislative provi-

sions (2023, chapter 5), for the purposes of the Act, any other person or group determined by government regulation are health and social services bodies, to the extent determined by the Government;

WHEREAS, under the fifth paragraph of section 6 of the Act, a government regulation may determine the terms on which a person may give consent;

WHEREAS, under section 9 of the Act, a person's will to restrict or refuse access to health and social services information concerning him or her under section 7 or 8 of the Act must, to have effect, be expressed explicitly, in accordance with the terms determined by government regulation;

WHEREAS, under section 39 of the Act, a service provider who is not a professional within the meaning of the Professional Code (chapter C-26) may be informed of the existence of and have access to health and social services information held by a body in the health and social services sector on the conditions determined by government regulation in the cases provided for in that section;

WHEREAS, under the first paragraph of section 107 of the Act, a body in the health and social services sector must record in a register every technological product or service it uses and a government regulation may determine the content of the register;

WHEREAS, under the fourth paragraph of section 108 of the Act, a government regulation may determine the content and terms of the notices provided for in that section;

WHEREAS, under the first paragraph of section 110 of the Act, a body in the health and social services sector must keep a register of confidentiality incidents and a government regulation may determine the content of the register;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the application of certain provisions of the Act respecting health and social services information was published in Part 2 of the *Gazette officielle du Québec* of 21 February 2024 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting the application of certain provisions of the Act respecting health and social services information, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation respecting the application of certain provisions of the Act respecting health and social services information

Act respecting health and social services information and amending various legislative provisions (2023, chapter 5, s. 4, 1st par., subpar. 5, s. 6, 5th par., ss. 9 and 39, s. 107, 1st par., s. 108, 4th par., and s. 110, 1st par.)

CHAPTER I OTHER HEALTH AND SOCIAL SERVICES BODY

1. A college-level educational institution or a university-level educational institution referred to in any of paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1) is considered a body referred to in Schedule II to the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5) with respect to its activities related to the provision of health services or social services, including the provision of such services to the students of that institution.

CHAPTER II TERMS FOR GIVING CONSENT AND FOR EXERCISING RIGHTS TO RESTRICT AND REFUSE ACCESS

DIVISION I CONSENT

2. In accordance with section 6 of the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5), any person may give consent, verbally or in writing, to the use or communication of information concerning him or her.

That consent may be withdrawn, verbally or in writing, at any time.

DIVISION II RIGHTS OF RESTRICTION AND REFUSAL

§1. Rights of restriction

3. A person who wishes to restrict access to information concerning him or her under section 7 of the Act respecting health and social services information and

amending various legislative provisions (2023, chapter 5) must inform in writing the body holding the information concerned.

The notice of restriction must contain

- (1) the name and contact information of the person concerned by the information;
- (2) the identity of the service provider or the category of service providers concerned by the restriction; and
- (3) a description of the information concerned by the restriction.

A notice concerning a minor under 14 years of age is made by the person having parental authority or the tutor. In addition to the information referred to in the second paragraph, the notice must indicate the name and contact information of the person who makes it. The same applies to a notice made by the representative of a person other than such a minor.

The notice must be signed by the person who makes it.

4. A person who wishes to withdraw or amend their restriction may do so at any time by sending a written request to the body.

The request must indicate the name and contact information of the person concerned by the information and, in the case of a request for amendment, the information referred to in subparagraph 2 or 3 of the second paragraph of section 3 as it should be amended.

The third and fourth paragraphs of that section apply, with the necessary modifications, to the request.

§2. Right of refusal

5. A person who wishes to refuse access to information concerning him or her under section 8 of the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5) must inform the body concerned in writing.

The notice of refusal must contain

- (1) the name and contact information of the person concerned by the information;
- (2) the person or persons to whom the refusal applies, among the persons referred to in the first paragraph of section 8 of the Act respecting health and social services information and amending various legislative provisions; and

(3) in the case of a refusal applicable to the persons referred to in subparagraph 4 of the first paragraph of that section, the information, research themes or categories of research activities covered by the refusal.

A notice concerning a minor under 14 years of age is made by the person having parental authority or the tutor. In addition to the information referred to in the second paragraph, the notice must indicate the name and contact information of the person who makes it. The same applies to a notice made by the representative of a person other than such a minor.

The notice must be signed by the person who makes it.

6. A person who wishes to withdraw or amend their refusal may do so at any time by sending a written request to the body.

The request must indicate the name and contact information of the person concerned by the information and, in the case of a request for amendment, the information referred to in subparagraph 2 or 3 of the second paragraph of section 5 as it should be amended.

The third and fourth paragraphs of that section apply, with the necessary modifications, to the request.

CHAPTER III CONDITIONS OF ACCESS TO INFORMATION BY A SERVICE PROVIDER WHO IS NOT A PROFESSIONAL WITHIN THE MEANING OF THE PROFESSIONAL CODE

7. A service provider who is not a professional within the meaning of the Professional Code (chapter C-26) may be informed of the existence of and have access to information held by a body in one of the cases provided for in section 39 of the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5), where the service provider was granted an access authorization under this Chapter.

8. The person exercising the highest authority within a body or the health or social services professional designated by that person may grant an access authorization to a service provider referred to in section 7 who

(1) is a member of the body's personnel;

(2) completed training with respect to the protection of information referred to in section 1 of the Regulation respecting the governance of health and social services information (*insert the reference to the Compilation of Québec Laws and Regulations*) and underwent refresher training on that subject in accordance with section 2 of that Regulation; and

(3) undertakes in writing to exercise discretion and to refrain from disclosing confidential information that he or she may examine in the exercise of his or her functions, other than in accordance with the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5).

Despite subparagraph 1 of the first paragraph, the following service providers may be granted an access authorization where they meet the conditions set out in subparagraphs 2 and 3 of the first paragraph:

(1) a student or a trainee, to the extent that the service offer is supervised by a health or social services professional as part of the studies of the student or trainee within a college- or university-level educational institution referred to in section 1;

(2) a volunteer who carries on activities described in sections 39.7 and 39.8 of the Professional Code (chapter C-26);

(3) an employee supplied by a personnel placement agency required to hold a personnel placement agency licence under section 92.5 of the Act respecting labour standards (chapter N-1.1) or a person who is independent labour referred to in section 338.2 of the Act respecting health services and social services for the Inuit and Naskapi (chapter S-4.2) or section 668 of the Act to make the health and social services system more effective (2023, chapter 34).

9. The person exercising the highest authority within a body or the health or social services professional designated by that person may suspend, for the time he or she determines, an access authorization granted to a service provider who

(1) fails to undergo the refresher training referred to in subparagraph 2 of the first paragraph of section 8; or

(2) does not comply with the undertaking referred to in subparagraph 3 of the first paragraph of section 8.

The access authorization of a service provider who ceases to be a member of the body's personnel is revoked.

CHAPTER IV REGISTER OF TECHNOLOGICAL PRODUCTS AND SERVICES

10. The register of technological products and services provided for in section 107 of the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5) must contain

- (1) the type of technological product or service;
- (2) a brief description of the technological product or service and the purposes for which it is used;
- (3) the name of the technological product or service supplier;
- (4) if applicable, an indication that the technological product or service is certified by the Minister; and
- (5) if applicable, an indication that the technological product or service uses information to render a decision based exclusively on automated processing.

CHAPTER V

NOTICE OF CONFIDENTIALITY INCIDENTS AND REGISTER OF CONFIDENTIALITY INCIDENTS

DIVISION I

NOTICE TO THE MINISTER AND TO THE COMMISSION D'ACCÈS À L'INFORMATION

11. The notice to the Minister and to the Commission d'accès à l'information that a confidentiality incident presents a risk of serious injury, made under the second paragraph of section 108 of the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5), must be in writing and must contain

- (1) the name of the body affected by the confidentiality incident;
- (2) the name and contact information of the person to be contacted in that body with regard to the incident;
- (3) a description of the information concerned by the incident or, if that information is not known, the reasons why it is impossible to provide such a description;
- (4) a brief description of the circumstances of the incident and what caused it, if known;
- (5) the date or time period when the incident occurred or, if that is not known, the approximate time period;
- (6) the date or time period when the body became aware of the incident;
- (7) the number of persons concerned by the incident and the number of those who reside in Québec or, if that is not known, the approximate numbers;

(8) a description of the elements that led the body to conclude that there is a risk of serious injury to the persons concerned, such as the sensitivity of the information concerned, any possible ill-intentioned uses of such information, the anticipated consequences of its use and the likelihood that such information will be used for injurious purposes;

(9) the measures the body has taken or intends to take to notify the persons concerned by the incident, under the second paragraph of section 108 of the Act respecting health and social services information and amending various legislative provisions, and the date on which such persons were notified, or the expected time limit for the notification;

(10) the measures the body has taken or intends to take after the incident occurred, including those aimed at reducing the risk of injury or mitigating any such injury and those aimed at preventing new incidents of the same nature, and the date or time period on which the measures were taken or the expected time limit for taking the measures; and

(11) if applicable, an indication that a person or body outside Québec that exercises similar functions to those of the Commission d'accès à l'information with respect to overseeing the protection of personal information has been notified of the incident.

12. The body must send to the Minister and the Commission d'accès à l'information all the information listed in section 11 that it becomes aware of after sending the notice described therein. The additional information must promptly be sent after the body becomes aware of it.

DIVISION II

NOTICE TO THE PERSONS CONCERNED

13. The notice to persons whose information is concerned by a confidentiality incident presenting a risk of serious injury, made under the second paragraph of section 108 of the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5), must contain

(1) a description of the information concerned by the incident or, if that information is not known, the reason why it is impossible to provide such a description;

(2) a brief description of the circumstances of the incident;

(3) the date or time period when the incident occurred or, if that is not known, the approximate time period;

(4) a brief description of the measures the body has taken or intends to take after the incident occurred in order to reduce the risks of injury;

(5) the measures that the body suggests the person concerned take in order to reduce the risk of injury or mitigate any such injury; and

(6) the contact information where the person concerned may find out more about the incident.

14. The notice referred to in section 13 is sent to the persons concerned by the confidentiality incident.

The notice may also be made by way of a public notice if there is a need to act rapidly to reduce the risk of a serious injury or to mitigate any such injury. In such cases, the body must still send a notice to the person concerned with proper diligence.

Despite the first and second paragraphs, the notice is made only by way of a public notice when the fact of sending such notice is likely to cause increased injury to the person concerned or when the fact of sending such notice is likely to cause undue hardship for the body, including when the body does not have the contact information for the person concerned.

A public notice may be made by any method that could be reasonably expected to reach the person concerned.

DIVISION III **REGISTER OF CONFIDENTIALITY INCIDENTS**

15. The register of confidentiality incidents provided for in section 110 of the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5) must contain

(1) a description of the information concerned by the incident or, if that information is not known, the reason why it is impossible to provide such a description;

(2) a brief description of the circumstances of the incident;

(3) the date or time period when the incident occurred or, if that is not known, the approximate time period;

(4) the date or time period when the body became aware of the incident;

(5) the number of persons concerned by the incident or, if that is not known, the approximate number;

(6) a description of the elements that led the body to conclude whether or not there is a risk of serious injury to the persons concerned, such as the sensitivity of the information concerned, any possible ill-intentioned uses of such information, the anticipated consequences of its use and the likelihood that such information will be used for injurious purposes;

(7) if the incident presents a risk of serious injury, the transmission dates of the notices to the Minister, the Commission d'accès à l'information and the persons concerned by the incident, under the second paragraph of section 108 of the Act respecting health and social services information and amending various legislative provisions, as well as an indication of whether the body issued public notices and its reason for doing so, if applicable; and

(8) a brief description of the measures the body has taken after the incident occurred in order to reduce the risks of injury.

16. The information in the registers must be kept up to date and kept for at least 5 years after the date or time period when the body became aware of the incident.

CHAPTER VI **TRANSITIONAL AND FINAL**

17. Until the date of coming into force of section 10.3.4 of the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2), made by section 217 of the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5), an organization that coordinates organ or tissue donations, designated by the Minister in accordance with section 2.0.11 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5), is considered a body referred to in Schedule I to the Act.

18. Until 1 December 2024, section 8 of this Regulation must be read by replacing subparagraph 3 of the second paragraph by the following:

“(3) an employee supplied by a personnel placement agency required to hold a personnel placement agency licence under section 92.5 of the Act respecting labour standards (chapter N-1.1) or a person who is independent labour referred to in section 338.2 of the Act respecting health services and social services (chapter S-4.2).”

19. This Regulation comes into force on 1 July 2024.

106889

M.O., 2024**Order 2024-010 of the Minister of Health dated 30 May 2024**

Act respecting health and social services information and amending various legislative provisions (2023, chapter 5)

Regulation respecting the governance of health and social services information

THE MINISTER OF HEALTH,

CONSIDERING the first paragraph of section 90 of the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5), which provides that the Minister defines, by regulation, rules for the governance of information held by bodies in the health and social services sector;

CONSIDERING paragraphs 1, 2 and 4 of the second paragraph of section 90, which provide that the rules pertain to, among other things,

—the responsibilities of bodies in the health and social services sector, including with respect to keeping and monitoring logs, and to minimizing the risk of a confidentiality incident;

—the terms for keeping and destroying health and social services information; and

—the maintenance and evaluation of technological products or services;

CONSIDERING the guidelines, standards, strategies, directives, rules and application instructions made under the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03);

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the governance of health and social services information was published in Part 2 of the *Gazette officielle du Québec* of 6 March 2024 with a notice that it could be made by the Minister of Health on the expiry of 45 days following that publication;

CONSIDERING THAT it is expedient to make the Regulation with amendments;

ORDERS AS FOLLOWS:

The Regulation respecting the governance of health and social services information, attached to this Order, is hereby made.

CHRISTIAN DUBÉ
Minister of Health

Regulation respecting the governance of health and social services information

Act respecting health and social services information and amending various legislative provisions (2023, chapter 5, s. 90, 1st par., 2nd par., subpars. 1, 2 and 4)

**CHAPTER I
RESPONSIBILITIES OF BODIES**

1. A body must ensure that the members of its personnel and the professionals practising their profession within the body, including students and trainees, receive training regarding the protection of information recognized by the Minister as soon as they begin working or practising their profession within the body.

The obligation set out in the first paragraph also applies in respect of the following persons who exercise their functions within the body:

(1) volunteers exercising the activities described in sections 39.7 and 39.8 of the Professional Code (chapter C-26);

(2) employees provided by a personnel placement agency subject to the requirement to hold a personnel placement agency licence pursuant to section 92.5 of the Act respecting labour standards (chapter N-1.1), or persons who are independent labour referred to in section 338.2 of the Act respecting health services and social services for the Inuit and Naskapi (chapter S-4.2) or section 668 of the Act to make the health and social services system more effective (2023, chapter 34).

2. A body must see to it that the members of its personnel and the professionals practising their profession within the body, including students and trainees, and the persons referred to in the second paragraph of section 1, undergo refresher training regarding the protection of information on an annual basis.

The refresher training concerns, in particular,

(1) the roles and responsibilities of the members of the body's personnel and of the professionals practising their profession within the body, including students and trainees, with regard to the information held by the body;

(2) the rules and terms for keeping, destroying and anonymizing information;

(3) the security measures for ensuring the protection of information put in place by the body, in particular to minimize the risk of a confidentiality incident;

(4) the procedure for processing confidentiality incidents; and

(5) the safe use of the body's technological products or services.

3. A body must keep proof of any consent it receives in accordance with section 6 of the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5).

4. A body must identify, among the members of its personnel and the professionals practising their profession within the body, a person in charge of ensuring that the person who makes a notice of restriction under section 3 of the Regulation respecting the application of certain provisions of the Act respecting health and social services information (insert the reference to the Compilation of Québec Laws and Regulations) has been adequately informed, in clear and simple language, of the potential consequences and risks associated with exercising the right of restriction.

The service provider who received the notice may forward the information referred to in the first paragraph to the person who makes the notice of restriction. Failing that, the person in charge or any person they designate may contact and provide the information to the person who makes the notice.

5. A body must take the necessary measures to ensure that the information it holds remains usable despite any incident affecting the medium on which it is stored.

6. At least once a year, a body must

(1) analyze the relevance of the categories of persons identified in the body's information governance policy adopted under section 105 of the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5) and, where applicable, review those categories; and

(2) assess the compliance of the logging mechanisms and the effectiveness of the security measures put in place to ensure the protection of the information that the body holds and, where applicable, review those mechanisms and measures.

7. A body must, on a monthly basis, analyze accesses to the information it holds and all other uses and communications of that information, in particular to detect situations that do not comply with applicable standards and, where applicable, to take the appropriate measures.

Despite the first paragraph, a body referred to in Schedule II to the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5) has an obligation to conduct such an analysis at least once a year.

8. A body, other than a body referred to in Schedule II to the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5), must set up a committee on the governance of information responsible for supporting the person exercising the highest authority within the body in the exercise of the person's responsibilities under the Act respecting health and social services information and amending various legislative provisions.

The committee is under the responsibility of the person exercising the highest authority within the body. The committee is composed of the person in charge of the protection of information, the person designated under section 16 of this Regulation, and any other person whose expertise is required, including, where applicable, the person responsible for document management.

9. A body must ensure that records containing information it holds are kept in a manner that ensures their integrity.

In addition, information entered or recorded on the same medium must be entered or recorded in a uniform manner so as to facilitate its use or communication.

CHAPTER II TERMS FOR KEEPING AND DESTROYING INFORMATION

10. A body must keep the information it holds in a manner that ensures its protection at all times, in particular by taking the necessary measures to control access to the premises where the information is kept.

11. A body must ensure that the information it holds that is subject to a restriction of access under section 7 of the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5) or a refusal of access under section 8 of the Act is kept in a manner that complies with that restriction or refusal.

12. The destruction of any information held by a body must be done in a secure manner adapted to the sensitivity of the information and the medium on which it is stored, in keeping with generally accepted best practices. The destruction must be irreversible to prevent the reconstitution of the information.

13. Where the destruction of information held by a body is entrusted to a third person, the body must enter into a contract in writing with the third person for that purpose.

In addition to the elements referred to in the second paragraph of section 77 of the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5), the contract must set out

- (1) the procedure for the destruction of the information;
- (2) where applicable, the third person's obligation to render an account to the body of the destruction of the information; and
- (3) the obligation, for a third person that retains a person or group to perform the contract, to notify the body and ensure that the person or group complies with the other obligations incumbent on the third person under the contract.

For the purposes of subparagraph 3 of the second paragraph, the confidentiality agreement provided for in subparagraph *a* of subparagraph 3 of the second paragraph of section 77 of the Act respecting health and social services information and amending various legislative provisions and the notice provided for in subparagraph *c* of that subparagraph must be sent to the third person by the person or group.

14. A body must keep proof of any destruction of information.

CHAPTER III MAINTENANCE AND EVALUATION OF TECHNOLOGICAL PRODUCTS OR SERVICES

15. A body must take the necessary measures to avoid or mitigate any potential impact on the exercise of its functions or the carrying on of its activities due to the fact that a technological product it uses no longer complies with its intended use or a technological service it uses is no longer provided.

To that end, the body must, in particular, keep a calendar of the known or expected dates on which such products or services are to be terminated for the purpose of analyzing, in a timely manner, the relevance of maintaining or replacing them.

16. A body must designate, from among the members of its personnel and the professionals practising their profession within the body, a person in charge of ensuring the application of the standards applicable to the technological products or services the body uses, in particular the special rules defined by the network information officer under section 97 of the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5).

That person is also in charge of supervising the implementation and maintenance of the security measures for ensuring the protection of the information contained in those products or services.

17. At least once every other year, a body must ensure that the products or services it uses undergo an evaluation pertaining to the standards referred to in the first paragraph of section 16 of this Regulation.

However, such an evaluation must be conducted every time a special rule referred to in that paragraph and pertaining to such a product or service is modified.

CHAPTER IV TRANSITIONAL AND FINAL

18. Until 1 December 2024, section 1 of this Regulation must be read by replacing subparagraph 2 of the second paragraph by the following paragraph:

“(2) employees provided by a personnel placement agency subject to the requirement to hold a personnel placement agency licence pursuant to section 92.5 of the Act respecting labour standards (chapter N-1.1) or persons who are independent labour referred to in section 338.2 of the Act respecting health services and social services (chapter S-4.2).”

19. Until the coming into force of section 103 of the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5), section 6 of this Regulation must be read by replacing subparagraph 2 by the following paragraph:

“(2) assess the compliance of logging mechanisms, where applicable, and of the register of communications referred to in section 265 of the Act, as well as the effectiveness of the security measures put in place by the body to ensure the protection of the information that the body holds and, where necessary, review the register and those measures.”

20. This Regulation comes into force on 1 July 2024.

106885

Draft Regulations

Draft Regulation

Health Insurance Act
(chapter A-29)

Terms and conditions for the issuance of health insurance cards and the transmittal of statements of fees and claims — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft regulation to amend the Regulation respecting the terms and conditions for the issuance of health insurance cards and the transmittal of statements of fees and claims, the text of which appears hereafter, may be submitted for approval by the government on the expiry of 45 days following this publication.

This draft regulation aims to allow the designation of sex appearing on the person's health insurance card designates their gender identity when this does not correspond to this person's sex.

This draft regulation would not entail any additional costs for enterprises, in particular, on small or medium-sized enterprises, and would not affect the level of employment in Québec.

Additional information concerning this draft regulation is available by contacting Maude Séguin-Larouche, Director, Direction générale adjointe à l'évolution des services à la clientèle et à la performance, Régie de l'assurance maladie du Québec, 1125, Grande Allée Ouest, Québec (Québec) G1S 1E7, email: Maude.Seguin-Larouche@ramq.gouv.qc.ca.

Anyone wishing to comment on this draft regulation may write, before the expiry of the 45-day period mentioned above, to Mélissa Plamondon, Secretary General, Régie de l'assurance maladie du Québec, 1125 Grande Allée Ouest, Québec (Québec) G1S 1E7, email: sec-general@ramq.gouv.qc.ca.

CHRISTIAN DUBÉ
Minister of Health

Regulation to amend the Regulation respecting the terms and conditions for the issuance of health insurance cards and the transmittal of statements of fees and claims

Health Insurance Act
(chapter A-29, s. 72, 1st para. subpara. h)

1. Section 8 of the Regulation respecting the terms and conditions for the issuance of health insurance cards and the transmittal of statements of fees and claims (chapter A-29, r. 7.2) is amended by adding, at the end, the following paragraph:

“For the purposes of subparagraph *d* of the first paragraph, the designation of sex appearing on the health insurance card designates the person's sex or gender identity if the gender identity does not correspond to the person's sex. The letter symbols ‘M’, ‘F’ or ‘X’ are used to refer to the identifiers ‘male’, ‘female’ or ‘non-binary’, as the case may be.”

2. 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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