



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 404

(1998, chapter 39)

**An Act to amend the Act respecting
health services and social services and
amending various legislative provisions**

**Introduced 18 December 1997
Passage in principle 13 May 1998
Passage 19 June 1998
Assented to 20 June 1998**

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EXPLANATORY NOTES

This bill amends the Act respecting health services and social services to simplify or eliminate certain administrative formalities and constraints, to adjust and refine the rules governing the organization and operation of institutions and regional boards, and to confer new powers that introduce more flexibility into the administration of the Act.

Several provisions of the current legislation concerning complaints filed by users of the health and social services system and the complaints examination procedures set up by institutions, regional boards and the complaints commissioner, are revised.

The bill contains new measures relating to the election and appointment of members to the boards of directors of public institutions and regional boards, eligibility for election or appointment, and the filling of vacant positions. Other related amendments are made to redefine the rules and procedures concerning the establishment and composition of the users' committee and the multidisciplinary council of each institution and the recognition granted to a foundation attached to an institution.

The bill streamlines the procedure to be followed by an institution in making contracts, expropriating property and drawing up organization plans, simplifies the procedure for calling and holding meetings of the boards of directors of public institutions and regional boards, makes public institutions and regional boards more accountable for their administration to the general public, and facilitates the production of certain reports by regional boards.

The bill provides a new definition for the intermediate resources attached to an institution to ensure that they are not considered as facilities maintained by the institution. In addition, regional boards, rather than the Minister, will be responsible for determining the rates of compensation to be paid to intermediate resources.

The rules governing the preparation of the regional service organization plan and the regional medical staffing plan by a regional board and their approval by the Minister are modified to ensure that each regional medical staffing plan covers all the physicians practising in private health facilities in the region. A regional department of general medicine, consisting of all the general

practitioners practising in the region, will be established within each regional board. The bill specifies the responsibilities of the department and the rules applicable to its operations.

The bill proposes other amendments to streamline or redistribute powers in several areas. The permits currently issued to institutions for two years will be replaced by permanent permits, and the Minister will be authorized to delegate to a regional board the power to inspect an institution, or to evacuate and relocate institutionalized persons. The Minister's power to enter into financing agreements with private institutions will be transferred to the regional boards, and certain regulatory powers currently exercised by the Government or the Minister are abolished, made more flexible or assigned to regional boards or institutions. The mandate of the referral centre for executive directors and senior management staff is also modified by the bill.

The bill introduces new ministerial and regional powers concerning the use of information technology in the health and social services system. In another connection, it adds a series of special provisions applicable to part of the Nord-du-Québec region, where the existing regional board is to be abolished, and a single public institution with certain regional responsibilities is to operate.

Lastly, the bill includes a number of technical, terminological and consequential amendments and transitional provisions.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Automobile Insurance Act (R.S.Q., chapter A-25);
- Hospital Insurance Act (R.S.Q., chapter A-28);
- Health Insurance Act (R.S.Q., chapter A-29);
- Act respecting the Conseil de la santé et du bien-être (R.S.Q., chapter C-56.3);
- Act to ensure that essential services are maintained in the health and social services sector (R.S.Q., chapter M-1.1);
- Public Health Protection Act (R.S.Q., chapter P-35);

- Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2);
- Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5);
- Act respecting occupational health and safety (R.S.Q., chapter S-2.1);
- Act respecting health services and social services (R.S.Q., chapter S-4.2);
- Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);
- Act respecting administrative justice (1996, chapter 54).

Bill 404

AN ACT TO AMEND THE ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES AND AMENDING VARIOUS LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 29 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is replaced by the following section :

“29. Every institution shall establish a procedure for the examination of the complaints filed by users. The executive director shall designate a member of the institution’s personnel as the complaints officer responsible for the application of the complaints examination procedure, and cause the designation to be confirmed by the board of directors.”

2. Section 31 of the said Act is amended by adding, at the end, the words “or by an intermediate resource or family-type resource whose services are called upon by the institution”.

3. Section 32 of the said Act is amended by replacing the words “to express his views” by the words “and, where applicable, the intermediate resource or family-type resource to express their views”.

4. Section 33 of the said Act is amended

(1) by striking out the second paragraph ;

(2) by replacing the words “senior management officer” in the first line of the third paragraph by the words “complaints officer responsible for the application of the complaints examination procedure”.

5. Section 34 of the said Act is amended

(1) by replacing the words “senior management officer” in the first line by the words “complaints officer” ;

(2) by striking out the word “written” in the second line.

6. The said Act is amended by inserting, after section 34, the following section :

“34.1. Users, intermediate resources, family-type resources and the personnel members of an institution must provide the information required by the complaints officer for the examination of the complaint and, unless they have a valid reason, must attend any meeting to which they are called by the complaints officer.”

7. Section 35 of the said Act is replaced by the following section:

“35. The complaints officer must examine a complaint within 45 days of receiving it.

Before the expiry of the time limit, he must inform the user of his conclusions, giving the reasons on which they are based, and of the terms and conditions governing the remedy available to the user before the regional board. If the complaint is in writing, the information must be given in writing.

The complaints officer must also, where applicable, inform the intermediate resource or family-type resource of his conclusions without delay, giving reasons.”

8. Section 36 of the said Act is amended

(1) by replacing “senior management officer” in the first line of the first paragraph by “complaints officer”;

(2) by replacing the words “In the case of a complaint in writing, such” in the first line of the second paragraph by the word “Such”.

9. Section 37 of the said Act is amended

(1) by replacing the words “senior management officer” in the first line of the first paragraph by the words “complaints officer”;

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

“He must inform the user, in writing if the complaint is in writing.”

10. Section 42 of the said Act is amended

(1) by striking out the words “in writing” in the first line;

(2) by replacing the words “senior management officer”, wherever they occur, by the words “complaints officer”.

11. Section 43 of the said Act is replaced by the following section:

“43. The regional board shall establish a procedure for the examination of the complaints filed by users. The executive director shall designate a member of the regional board’s personnel as the complaints officer responsible

for the application of the complaints examination procedure, and cause the designation to be confirmed by the board of directors.”

12. Section 44 of the said Act is amended by inserting the words “, the intermediate resource, the family-type resource” after the word “user” in the first line.

13. Section 46 of the said Act is replaced by the following section :

“**46.** The complaints officer of the regional board shall send a copy of the complaint submitted to him to the institution, the intermediate resource or the family-type resource concerned and, within five days of receiving the copy, the institution must transmit the complete record of complaint to the complaints officer.”

14. Section 47 of the said Act is replaced by the following section :

“**47.** Users, intermediate resources, family-type resources and institutions must provide the information required by the complaints officer of the regional board for the examination of the complaint and, unless they have a valid reason, must attend any meeting to which they are called by the complaints officer.”

15. Section 49 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph :

“**49.** The complaints officer of the regional board must examine a complaint within 45 days of receiving it.”;

(2) by adding, at the end of the second paragraph, the following sentence : “He must also inform the institution concerned and, where applicable, the intermediate resource or family-type resource of his conclusions without delay, giving reasons.”

16. Section 53 of the said Act is replaced by the following section :

“**53.** Any natural person may file a complaint with the regional board in connection with any function or activity of the regional board by which the person is affected as regards services that have or should have been provided by an institution, an intermediate resource, a family-type resource or a community organization.

Sections 43, 44 and 47 to 52, adapted as required, apply to such a complaint.”

17. The said Act is amended by inserting, after section 53, the following section :

“53.1. A complaint may be filed under section 53 in oral or written form.

The complaints officer must assist or ensure that assistance is given to any person requiring it for the formulation of a complaint and for any step to be taken in relation to that complaint.”

18. Section 54 of the said Act is amended by replacing the words “the regional board or an institution of the region” in the fourth and fifth lines by the words “an institution in the region, the regional board or the complaints commissioner”.

19. Section 56 of the said Act is amended

(1) by replacing the words “senior management officer of the” in the second line of subparagraph 1 of the first paragraph by the words “complaints officer of a”;

(2) by replacing the words “senior management officer of the” in the second line of subparagraph 2 of the first paragraph by the words “complaints officer of a”;

(3) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) from persons who disagree with the conclusions transmitted to them by the complaints officer of a regional board pursuant to section 53.”

20. Section 57 of the said Act is amended by inserting the words “the intermediate resource,” after the word “institution,” in the second line.

21. Section 58 of the said Act is amended by replacing the first paragraph by the following paragraph:

“58. The complaint must be in writing and submitted with the conclusions, if any, transmitted by the complaints officer of the regional board.”

22. Section 59 of the said Act is replaced by the following section:

“59. The complaints commissioner shall transmit a copy of every complaint submitted to him to the institution, intermediate resource, family-type resource, community organization, holder of nursing home accreditation or regional board, as the case may be, and within five days of receiving that copy, the institution and the regional board must transmit the complete record of the complaint to him.”

23. Section 60 of the said Act is amended by inserting the words “intermediate resource,” after the word “institution,” in the first line.

24. Section 61 of the said Act is replaced by the following section :

“**61.** The complaints commissioner may, on summary examination, dismiss any complaint the commissioner judges to be frivolous, vexatious or in bad faith.

The complaints commissioner may also refuse or cease to examine a complaint in either of the following situations :

(1) where the complaints commissioner has reasonable grounds to believe that an intervention will clearly serve no useful purpose ;

(2) where the time that has elapsed between the events that gave rise to the dissatisfaction of the user or the person and the filing of the complaint makes it impossible to examine the complaint.

In such cases, the complaints commissioner shall inform the user or person who transmitted the complaint accordingly.”

25. Section 62 of the said Act is replaced by the following section :

“**62.** The complaints commissioner must, without delay, transmit the conclusions of the examination and the reasons on which they are based, together with any recommendations made, to the user or the person, to the intermediate resource, family-type resource, institution, community organization or holder of nursing home accreditation concerned, and to the regional board.

An intermediate resource, family-type resource, institution, community organization, holder of nursing home accreditation or regional board that receives a recommendation from the complaints commissioner must, within 30 days of reception, inform the complaints commissioner and the user or person who filed the complaint of the action it intends to take in response or, if it intends to take no action, of the reasons for its decision.”

26. The said Act is amended by inserting, after section 62, the following section :

“**62.1.** The complaints commissioner may, whenever he considers it necessary, advise the Minister on any matter relating to the respect of users’ rights and the subjects of users’ complaints.”

27. The said Act is amended by inserting, after section 65, the following section :

“**65.1.** The complaints commissioner may give a person who is not a member of the complaint commissioner’s personnel a written mandate to carry out an inquiry or to seek a settlement between the interested parties, and

require that the person submit a report within the time fixed by the complaints commissioner.

The last paragraph of section 56, adapted as required, applies to the person.”

28. Section 69 of the said Act is amended

(1) by adding, at the end of the second paragraph, the following subparagraph:

“(4) the time needed for the examination of complaints.”;

(2) by replacing the words “after a brief examination, or examined by the board or which the board has refused or ceased to examine” in the first, second and third lines of subparagraph 1 of the third paragraph by the words “on summary examination, examined, refused or abandoned”.

29. The said Act is amended by inserting, after section 69, the following section:

“**69.1.** Each institution and regional board must send to the complaints commissioner, whenever required by him, a report concerning the complaints under examination.”

30. Section 70 of the said Act is amended by inserting the words “, intermediate resources” after the word “institutions” in the first line of subparagraph 1 of the third paragraph.

31. Section 72 of the said Act is amended in the first paragraph

(1) by replacing the words “a family-type resource referred to in section 310, or of” in the first line by the word “the”;

(2) by replacing, in the French text, the word “et” in the third line by the word “ou”;

(3) by striking out the word “resource,” in the fifth line.

32. Section 73 of the said Act is amended by striking out the words “the resource,” in the third line.

33. Section 74 of the said Act is amended

(1) by striking out the second sentence of the first paragraph;

(2) by replacing the words “senior management officer” in the first line of the second paragraph by “complaints officer responsible for the application of the complaints examination procedure”.

34. Section 75 of the said Act is replaced by the following section :

“**75.** The complaints officer of the regional board must give the person referred to in section 72 who has filed a complaint in writing a written notice indicating the date on which his complaint was received.

The complaints officer must examine the complaint within 45 days of receiving it.

Before the expiry of the time limit, he must inform the person of his conclusions and give the reasons on which they are based and of the terms and conditions governing the remedy available to him before the complaints commissioner. If the complaint is in writing, the information must be given in writing. He must also inform the community organization or holder of nursing home accreditation, as the case may be, of his conclusions without delay.

Where the complaints officer fails to inform the person of his conclusions within the time limit prescribed in the second paragraph, he is deemed to have transmitted negative conclusions on the date on which the prescribed time expires. Such a failure shall give rise to an examination by the complaints commissioner.”

35. Section 76 of the said Act is amended

(1) by replacing the words “senior management officer” in the first line by the words “complaints officer”;

(2) by replacing the words “user in writing” in the third line by the words “person. He must do so in writing if the complaint is in writing.”

36. Section 80 of the said Act is amended by replacing the first paragraph by the following paragraph :

“**80.** The mission of a local community service centre is to offer, at the primary level of care, basic health and social services, and to offer health and social services of a preventive or curative nature and rehabilitation or reintegration services to the population in the territory served by it.”

37. Section 105 of the said Act is amended by striking out the words “to achieve the objectives set out in the various programs established by the Minister” in the fifth and sixth lines of the first paragraph.

38. Section 108 of the said Act is amended by replacing the last paragraph by the following paragraph :

“The agreement must be transmitted to the regional board.”

39. Section 109 of the said Act is amended by replacing the words “regional board” in the second line of the third paragraph by the word “institution”.

40. Section 110 of the said Act is amended in the second paragraph

(1) by striking out the words “, after obtaining the authorization of the regional board,” in the first line;

(2) by adding, at the end, the following sentence: “The contract must be transmitted to the regional board.”

41. Section 126.4 of the said Act is amended

(1) by replacing the words “to attend the public meeting” in the first line of the second paragraph by the words “for the purposes of the election”;

(2) by replacing the words “a public meeting is normally” in the fourth and fifth lines of the third paragraph by the words “an election is”.

42. Section 126.5 of the said Act is amended by striking out the last paragraph.**43.** Section 127 of the said Act is amended by adding, at the end, the following paragraph:

“For the purposes of sections 183 to 208, the institution is deemed to operate only the centre corresponding to the type of board of directors that must be established in accordance with the Minister’s decision.”

44. Section 129 of the said Act is amended

(1) by replacing the words “public meeting” in the first line of paragraph 1 by the word “election”;

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

“(3) two persons elected by the users’ committees of the institutions or, if there is only one institution with a users’ committee, appointed by that committee;”;

(3) by replacing paragraph 5 by the following paragraph:

“(5) where applicable, one person or, if paragraph 4 cannot be applied, two persons appointed by the board of directors of the foundation of one of the institutions concerned or, if there is more than one institution in that situation or more than one foundation for a single institution, elected jointly by the boards of directors of the foundations concerned;”.

45. Section 130 of the said Act is amended

(1) by replacing the words “public meeting” in the first line of paragraph 1 by the word “election”;

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

“(3) one person appointed by the users’ committee of the institution operating the child and youth protection centre and another person elected by the users’ committees of the other institutions ; however, where the institution operating the child and youth protection centre also operates, jointly with other institutions, a rehabilitation centre for young persons with adjustment problems or a rehabilitation centre for mothers with adjustment problems, the two persons must be elected by the users’ committees of all those institutions and, where the institution operating the child and youth protection centre is the only institution operating a rehabilitation centre for young persons with adjustment problems or a rehabilitation centre for mothers with adjustment problems, the two persons must be appointed by the users’ committee of that institution ;”;

(3) by replacing paragraph 5 by the following paragraph :

“(5) where applicable, one person or, if paragraph 4 cannot be applied, two persons appointed by the board of directors of the foundation of one of the institutions concerned or, if there is more than one institution in that situation or more than one foundation for a single institution, elected jointly by the boards of directors of the foundations concerned ;”.

46. Section 131 of the said Act is amended

(1) by replacing the words “public meeting” in the first line of paragraph 1 by the word “election”;

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

“(3) where applicable, two persons appointed by the users’ committee of the institution ;”;

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

“(4) where applicable, one person or, if paragraph 3.1 cannot be applied, two persons appointed by the board of directors of the foundation of the institution or, if there is more than one foundation for the institution, elected jointly by the boards of directors of those foundations ;”.

47. Section 131.1 of the said Act is amended

(1) by replacing the words “public meeting” in the first line of paragraph 1 by the word “election”;

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

“(3) where applicable, two persons elected by the users’ committees of the institutions or, if there is only one institution with such a committee, appointed by that committee;”;

(3) by replacing paragraph 5 by the following paragraph :

“(5) where applicable, one person appointed by the board of directors of the foundation of the institution operating the local community service centre or, if there is more than one foundation for that institution, elected jointly by the boards of directors of those foundations and, if paragraph 4 cannot be applied, one person appointed by the board of directors of the foundation of one of the other institutions concerned or, if there is more than one institution in that situation or more than one foundation for a single institution, elected jointly by the boards of directors of the foundations concerned; however, in the case of the institutions referred to in the second paragraph of section 126.1, one person shall be appointed by the board of directors of the foundation of one of the institutions concerned or, if there is more than one institution in that situation or more than one foundation for a single institution, elected jointly by the boards of directors of the foundations concerned;”.

48. Section 132 of the said Act is amended

(1) by replacing the words “public meeting” in the first line of paragraph 1 by the word “election”;

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

“(3) where applicable, two persons appointed by the users’ committee of the institution;”;

(3) by replacing paragraph 5 by the following paragraph :

“(5) where applicable, one person or, if paragraph 4 cannot be applied, two persons appointed by the board of directors of the foundation of the institution or, if there is more than one foundation for the institution, elected jointly by the boards of directors of those foundations;”.

49. Section 132.1 of the said Act is amended

(1) by replacing the words “public meeting” in the first line of paragraph 1 by the word “election”;

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

“(3) where applicable, two persons elected by the users’ committees of the institutions or, if there is only one institution with a users’ committee, appointed by that committee;”;

(3) by replacing paragraph 5 by the following paragraph :

“(5) where applicable, one person or, if paragraph 4 cannot be applied, two persons appointed by the board of directors of the foundation of one of the institutions concerned or, if there is more than one institution in that situation or more than one foundation for a single institution, elected jointly by the boards of directors of the foundations concerned;”.

50. The said Act is amended by inserting, after section 132.1, the following section :

“**132.2.** For the purposes of paragraph 5 of each of sections 129, 130, 131.1, 132 and 132.1 and paragraph 4 of section 131, a “foundation of an institution” means a legal person established for non-profit purposes whose object is, essentially, to collect contributions made for the benefit of an institution designated by name in the constituting act of the foundation or of a new institution resulting from the amalgamation or conversion of the designated institution, or whose principal object is to collect contributions to be used, for a purpose or purposes corresponding to those mentioned in section 272, in the pursuit of all or part of the mission of such an institution.”

51. Section 133.2 of the said Act is amended in the first paragraph

(1) by inserting, after subparagraph 2, the following subparagraph :

“(2.1) a users’ committee is established pursuant to the second paragraph of section 209;”;

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

“(3) a foundation of an institution within the meaning of section 132.2 is established;”;

(3) by replacing the words “further member can be appointed” in the third line of subparagraph 4 by the words “member can be added”.

52. Section 134 of the said Act is amended by adding, at the end, the words “, except if the centre is designated as a university hospital centre, university institute or affiliated university centre”.

53. Section 135 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph :

“**135.** Every institution shall, every three years, on such day in the month of October or November as the Minister determines, invite the population to elect the persons referred to in paragraph 1 of each of sections 129 to 132.1, as the case may be. No minor is entitled to vote.”;

(2) by replacing the words “public meeting” and “a meeting”, wherever they occur in the second paragraph, by the words “election” and “an election”, respectively, and by replacing the words “public meetings” and “meetings”, wherever they occur in that paragraph, by the word “elections”;

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

“The mechanisms whereby candidates may address the population before an election, and the election procedure to be followed shall be determined by by-law of the regional board, as well as the standards relating to advertising, financing, the powers and duties of election officers and campaign literature. The by-law must be submitted to the Minister for approval; once approved, it shall come into force on the date of its publication in the *Gazette officielle du Québec*.”

54. Section 136 of the said Act is repealed.

55. Section 137 of the said Act is amended by replacing the words “a public meeting” wherever they occur in the second paragraph by the words “an election”.

56. Section 138 of the said Act is amended by adding, at the end, the following paragraph :

“An appointment made under this section must, to be valid, be submitted to the regional board for approval.”

57. Section 147 of the said Act is replaced by the following section :

“**147.** If a position cannot be filled by the application of section 135, 137 or 138, the regional board shall appoint a person to the position within 60 days.”

58. Section 151 of the said Act is amended

(1) by replacing the words “, any other organization providing services related to the field of health and social services or” in the second and third lines of the first paragraph by the words “or any other organization providing services related to the field of health and social services and receiving subsidies from a regional board or the Minister, or employed by”;

(2) by replacing the words “a public meeting” in the fifth line of the first paragraph by the words “an election”;

(3) by replacing the words “during a public meeting” in the third line of the last paragraph by the words “at an election”.

59. Section 152 of the said Act is amended by replacing the words “at a public meeting held under” in the first line of the second paragraph by the words “pursuant to”.

60. The said Act is amended by inserting, after section 161, the following section:

“**161.1.** A member of the board of directors may, where a quorum of members is physically present at the place where a meeting of the board of directors is to be held and where a majority of those members have consented thereto, participate in the meeting by means of videoconferencing, telephone or other communications equipment by means of which all persons participating in the meeting can hear each other. In such a case, the member is deemed to have attended the meeting.

The minutes of such a meeting must mention

(1) the fact that the meeting was held with the assistance of the communications equipment they indicate;

(2) the name of the members physically present at the meeting, and the names of the members who agreed to the use of the communications equipment;

(3) the name of the member who participated in the meeting using the communications equipment.”

61. Section 163 of the said Act is amended, in the French text, by replacing the words “voix des” in the second line of the first paragraph by the words “voix exprimées par les”.

62. Section 164 of the said Act is amended by adding, at the end, the following paragraphs:

“The members of the board of directors may also, in emergencies, if there is a quorum and if all the members have consented thereto, participate in a special meeting by way of a telephone conference call.

The minutes of such a meeting must mention the fact that the meeting was held by way of a telephone conference call, and that all the members who participated in the meeting agreed to the procedure. The decisions made at the meeting must be tabled at the following public meeting.”

63. Section 173 of the said Act is amended

(1) by replacing the words “senior management” in the first and second lines of paragraph 2 by the word “complaints”;

(2) by replacing the words “to the” in the second line of paragraph 5 by the words “determine the portion of those financial resources that is to be reserved for the payment of family-type resources and”.

64. Section 177 of the said Act is amended

(1) by adding, at the end of the first paragraph, the following sentence: “The meeting may be held at the same time as a meeting held pursuant to section 176.”;

(2) by replacing the words “under paragraph 7 of section 505” in the second and third lines of the third paragraph by the words “by the Minister under section 487.1”.

65. Section 178 of the said Act is amended by adding, at the end, the following sentence: “However, only one such meeting may be held at the same time as a meeting held pursuant to section 176.”

66. Section 183 of the said Act is amended by replacing the third paragraph by the following paragraph:

“The organization plan must be transmitted on request to the regional board or to the Minister.”

67. Section 184 of the said Act is amended

(1) by adding, at the end of the second paragraph, the following sentence: “Once approved by the regional board, the said part of the organization plan shall constitute the medical and dental staffing plan of the institution.”;

(2) by replacing the words “This part of the organization plan” in the first line of the third paragraph by the words “The medical and dental staffing plan”.

68. Section 185 of the said Act is amended by replacing the words “regulation under paragraph 18 of section 505” in the second line by the word “order”.

69. Section 186 of the said Act is amended

(1) by adding, at the end of the sixth paragraph, the following sentence: “Once approved by the regional board, the said part of the organization plan shall constitute the medical and dental staffing plan of the institution.”;

(2) by replacing the words “This part of the organization plan” in the first line of the last paragraph by the words “The medical and dental staffing plan”.

70. Section 193 of the said Act is amended by striking out the second and third paragraphs.

71. Section 193.1 of the said Act is repealed.

72. Section 204 of the said Act is amended by inserting, after paragraph 5, the following paragraph:

“(5.1) discharge the obligations imposed by the Civil Code and the Public Curator Act (chapter C-81) regarding the protective supervision of incapable persons and mandates given by persons in anticipation of their incapacity;”.

73. Section 209 of the said Act is amended by adding, at the end of the third paragraph, the following sentence: “However, where it is impossible to obtain a majority of users on the committee, the users may elect any other person of their choice, provided the person is not a person working for the institution or practising a profession in a centre operated by the institution.”

74. Section 212 of the said Act is amended by inserting the words “, on request,” after the word “and” in the second line of the second paragraph.

75. Section 226 of the said Act is amended by adding, at the end of the first paragraph, the words “, provided the institution operates one or more centres in which at least five people who qualify for membership in the council work”.

76. Sections 234 and 235 of the said Act are replaced by the following sections:

“234. The board of directors of a public institution must, by by-law, determine the standards applicable to a senior management officer or a middle management officer as regards conflict of interest as well as the standards applicable to a senior management officer as regards exclusivity of office.

No senior management officer or middle management officer may contravene any of the standards prescribed pursuant to the first paragraph, under pain of sanctions which may go as far as dismissal.

“235. The board of directors of a public institution must, by by-law, establish measures to prevent or put an end to the conflicts of interest that may arise from the awarding of a contract by the institution to a person employed by the institution or a person practising a profession in a centre operated by the institution, or from the awarding of a contract by the institution to an enterprise in which such a person has a direct or indirect interest.”

77. Section 238 of the said Act is amended by replacing the word “organization” in the fourth line of the first paragraph by the words “medical and dental staffing”.

78. Section 239 of the said Act is amended

(1) by inserting the figure “, 243.1” after the figure “240” in the first line;

(2) by replacing the words “organization plan of the institution approved in accordance with section 378” in the third and fourth lines by the words “medical and dental staffing plan of the institution”.

79. Section 240 of the said Act is amended by replacing the words “organization plan of the institution approved in accordance with section 378” in the second line of paragraph 1 by the words “medical and dental staffing plan of the institution”.

80. The said Act is amended by inserting, after section 243, the following section:

“243.1. Where the appointment of a physician or dentist is intended solely to provide for the replacement of a physician or dentist whose appointment has been duly accepted by the board of directors but who is absent or temporarily unable to practise, the application for appointment is not subject to the provisions relating to the institution’s medical and dental staffing plan.

Any appointment made following such an application is valid only for the duration of the absence or inability to practise of the physician or dentist concerned and, notwithstanding any inconsistent provision of this subdivision, may not be the subject of an application for renewal.”

81. Section 260 of the said Act is amended

(1) by striking out the words “or assign an immovable and give it as security” in the second line of subparagraph 1 of the first paragraph;

(2) by inserting, after the first paragraph, the following paragraph:

“A public institution is not subject to the first paragraph as regards the disposition of any one of the following immovable real rights:

(1) a superficies right and the servitudes of right-of-way or support required by a public utility, a municipality or any other organization working in the general interest for the purposes of a cable telecommunications network, water distribution network, electric power line, petroleum product pipeline or waste water disposal system;

(2) a superficies right and the servitudes of water, snow and ice runoff required to legalize an encroachment resulting from the construction of a roof erected in contravention of the prescriptions of article 983 of the Civil Code;

(3) a superficies right and the rights of use required to legalize a minor encroachment in accordance with article 992 of the Civil Code;

(4) a servitude required to legalize an existing view not in conformity with the prescriptions of article 993 of the Civil Code.”;

(3) by replacing the words “assign an immovable and give it as security” in the second and third lines of the second paragraph by the words “dispose of one of the immovable real rights mentioned in the second paragraph”.

82. Section 262.1 of the said Act is amended

(1) by replacing the words “or a non-profit legal person” in the third line of the second paragraph by the words “of the institution”;

(2) by replacing the words “or non-profit legal person” in the third line of the fifth paragraph by the words “of the institution”.

83. Section 264 of the said Act is amended by adding, at the end, the following paragraph :

“No contract made by an institution before (*insert here the date of coming into force of the section that enacts this paragraph*), the object of which is to transfer one of the rights mentioned in the second paragraph of section 260, may be invalidated on the ground that such a transfer is an act for which the institution did not obtain the authorization required under this Act, an Act replaced by this Act or any previous Act applicable to the institution.”

84. Section 265 of the said Act is amended by adding, at the end, the following paragraph :

“The prohibition under subparagraph 2 of the first paragraph does not apply where an institution lends money to another institution, if both institutions are administered by the same board of directors.”

85. Section 266 of the said Act is amended

(1) by replacing the words “it needs to enlarge its facilities or to organize services relating to the general operations of any centre it operates” in the first, second and third lines of the first paragraph by the words “required for its purposes”;

(2) by striking out the words “for the purposes of the institution” in the third line of the second paragraph.

86. Section 268 of the said Act is amended

(1) by replacing the word “administered” in the third line of the first paragraph by the word “operated”;

(2) by replacing the words “to which direct or indirect charges for an amount greater than that fixed by regulation of the Minister are attached” in the second, third and fourth lines of the second paragraph by the words “that are paid on the condition that a project having the same particularities as a project mentioned in subparagraph 1 or 2 of the second paragraph of section 272 be carried out”;

(3) by replacing the third and fourth paragraphs by the following paragraph :

“Where the project whose carrying out is a required condition has the same particularities as a project mentioned in subparagraph 2 of the second paragraph of section 272, the regional board shall grant the prior authorization only if the institution shows that the extra cost can be borne without requiring a budgetary adjustment or a special subsidy from the regional board or the Minister.”

87. Section 269 of the said Act is amended by replacing the words “that are determined by regulation of the Minister” in the fifth line of the first paragraph by the words “prescribed by section 269.1”.

88. The said Act is amended by inserting, after section 269, the following section :

“269.1. A public institution’s own property may not be used for other purposes than those relating to the carrying out of the mission of a centre it operates.

However, if an intended use involves the carrying out of a project having the same particularities as a project mentioned in subparagraph 1 or 2 of the second paragraph of section 272, the public institution must submit its project to the regional board for evaluation and acceptance in accordance with that section.

Notwithstanding subparagraph 4 of the first paragraph of section 265, all or part of the property of a public institution may be transferred to another public institution where both institutions are administered by the same board of directors.”

89. Section 271 of the said Act is amended

(1) by replacing all that follows the word “foundation” in the first paragraph by the words “of the institution within the meaning of section 132.2, provided that the foundation is established in accordance with the statutes of Québec and that nothing in its constituting act prevents it from administering such a fund.”;

(2) by replacing the words “or non-profit legal person” in the first and second lines of the second paragraph by the words “of the institution”;

(3) by replacing the words “or non-profit legal person” in the first line of the third paragraph by the words “of the institution”.

90. Section 272 of the said Act is amended

(1) by replacing the words “a foundation or legal person referred to in section 271” in the first and second lines of the first paragraph by the words “any foundation or legal person that solicits funds or gifts from the public in the field of health care or social services”;

(2) by replacing subparagraphs 1 and 2 of the second paragraph by the following subparagraphs :

“(1) where the assistance is intended to finance a project for which the prior authorization of the Conseil du trésor, the Minister or the regional board is required under this Act;

“(2) where the immediate or foreseeable effect of the project is to increase the amount of the annual operating or capitalization expenditures of the institution;”;

(3) by striking out subparagraph 4 of the second paragraph;

(4) by adding, at the end, the following paragraph:

“However, the regional board may accept a project referred to in subparagraph 2 of the second paragraph only if the institution shows that the extra cost can be borne without a budgetary adjustment or a special subsidy from the regional board or the Minister.”

91. Section 290 of the said Act is amended by replacing the second paragraph by the following paragraphs :

“The institution must issue a call for tenders, at least once every four years and whenever it intends to retain the services of a new auditing firm, to ensure that the services it receives are as cost-effective as possible.

A new institution constituted as a legal person under this Act, including an institution resulting from an amalgamation or conversion carried out pursuant to this Act, must apply the tendering procedure mentioned in the second paragraph before engaging the services of an auditing firm.”

92. Section 299 of the said Act is amended in the first paragraph

(1) by replacing the word “current” in the third line by the word “ensuing”;

(2) by replacing the word “Minister” in the fourth line by the words “regional board”.

93. Section 300 of the said Act is amended by replacing the word “Minister” in the last line of the second paragraph by the words “regional board”.

94. Section 302 of the said Act is replaced by the following section:

“302. Every resource attached to a public institution through which the institution provides a user registered for the institution’s services with a living environment suited to the user’s needs, together with the support or assistance services required by the user’s condition, in order to maintain the user in or integrate the user into the community, is an intermediate resource.

The immovable or dwelling premises in which the services of an intermediate resource are provided is not deemed to be a facility maintained by the public institution to which the resource is attached, except for the purposes of the Youth Protection Act (chapter P-34.1), in which case it is considered to be a place where foster care is provided by an institution operating a rehabilitation centre.”

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

“The Minister shall establish and submit to the Conseil du trésor for approval the general terms and conditions applicable to the determination by regional boards of the rates or the scale of rates of compensation in accordance with paragraph 3 of section 304.”

96. Section 304 of the said Act is amended by replacing paragraph 3 by the following paragraph :

“(3) determine the rates or the scale of rates of compensation applicable to each type of service listed in the classification established by the Minister pursuant to section 303 and submit them to the Minister for approval ;”

97. Section 314 of the said Act is amended by adding, at the end, the following words “, except with regard to the rates or the scale of rates of compensation applicable to the services provided by the resources, which shall be determined by the Minister”.

98. Section 340 of the said Act is amended

(1) by replacing the words “health and social services programs prepared by” in the second and third lines of the first paragraph by the words “orientations determined and policies established by” ;

(2) by adding, at the end of subparagraph 3 of the second paragraph, the words “and the advice of the regional department of general medicine established pursuant to section 417.1”.

99. The said Act is amended by inserting, after section 342, the following section :

“342.1. Each regional board may adopt the by-laws needed to conduct its affairs and exercise its responsibilities. It must adopt by-laws for each matter determined in a regulation made under paragraph 6 of section 505, where the matter falls within the competence of the regional board.

A copy of the by-laws adopted by a regional board must be forwarded to the Minister at the Minister’s request.”

100. Section 344 of the said Act is amended by replacing the figure “53” in the second line by the figure “53.1”.

101. Section 346 of the said Act is amended by striking out the words “and programs” in the third line of subparagraph 3 of the first paragraph.

102. Section 347 of the said Act is amended

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

“The plans must be consistent with the orientations determined and policies established by the Minister.”;

(2) by replacing the word “These” in the first line of the second paragraph by the words “In addition, the”;

(3) by striking out subparagraph 1 of the second paragraph;

(4) by striking out the words “or program” in the third line of the third paragraph;

(5) by replacing the last paragraph by the following paragraphs :

“The Minister may, subject to the rights of third persons, cancel a decision made by a regional board pursuant to a service organization plan that is inconsistent with the Minister’s orientations and policies.

The part of the plans dealing with the highly specialized services determined by the Minister that are provided by the institutions in the region, and the part dealing with the services for which an institution has been granted a supra-regional vocation by the Minister pursuant to paragraph 1 of section 112, must be submitted to the Minister for approval.”

103. Section 350 of the said Act is amended by replacing the words “as well as expenses incurred by that institution for equipment” in the fourth and fifth lines of the fourth paragraph by the words “expenses incurred by such an institution for equipment, and capital expenditure incurred by a private institution under agreement in its region that occupies an immovable belonging to a public institution or to the Corporation d’hébergement du Québec”.

104. Section 355 of the said Act is amended by replacing the first paragraph by the following paragraph :

“**355.** The regional board shall determine the procedure for setting up mechanisms to coordinate access to the services provided by residential and long-term care centres, rehabilitation centres of the class specified by the board, intermediate resources attached to institutions and family-type resources in its region.”

105. Section 359 of the said Act is amended

(1) by inserting the words “and the regional department of general medicine” after the word “board” in the second line;

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

“(1.1) designate the institutions that are to dispense emergency services;”;

(3) by replacing the words “the institutions” in paragraphs 2 and 3 by the words “the institutions designated under paragraph 1.1”, and by replacing the words “these institutions” in paragraph 4 by the words “the institutions designated under paragraph 1.1”.

106. Section 361 of the said Act is amended by replacing the words “proposals as may be made by the regional medical commission” in the second and third lines of the first paragraph by the words “recommendations as may be made by the regional department of general medicine”.

107. Section 365 of the said Act, amended by section 730 of chapter 43 of the statutes of 1997, is again amended by replacing the words “regional medical commission” in the fourth line by the words “regional department of general medicine”.

108. Section 369 of the said Act is amended

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

“(1.1) for advising it on the quality of the medical services organization in the territory, and on the accessibility and coordination of services;”;

(2) by striking out subparagraph 3 of the first paragraph;

(3) by replacing the words “, in a non-nominative form, the individual or group practice profiles of the physicians who practise in the region” in the third and fourth lines of the second paragraph by “the practice profiles and information referred to in the third paragraph of section 66.1 of the Health Insurance Act”.

109. Section 371 of the said Act is amended by striking out the words “in the same manner as the other programs” in the first and second lines of subparagraph 1 of the first paragraph.

110. Section 373 of the said Act is amended by striking out the words “to benefit all the programs entrusted to the regional board” in the second and third lines of paragraph 3.

111. Section 375.1 of the said Act is repealed.

112. Section 377 of the said Act is amended by replacing the first, second and third paragraphs by the following paragraphs :

“**377.** Each regional board shall prepare a regional medical staffing plan on the basis of the parts of the organization plans of institutions transmitted to it in accordance with sections 184 and 186, the number of physicians required to perform the specific activities referred to in section 361, and the number of general practitioners and medical specialists, listed by speciality, who are remunerated by the Régie de l’assurance-maladie du Québec and practise in the region, including those who practise in a private health facility.

In preparing its regional plan, the regional board shall take into account the expansion or reduction objectives identified by the Minister, the medical activities of the physicians practising in the region who receive remuneration from the Régie de l’assurance-maladie du Québec, and the number of positions determined by the Minister to be reserved for physicians having practised in other regions.

In preparing its regional plan, the regional board must also take into account the recommendations of the regional medical commission, obtained in the manner set out in subparagraph 1 of the first paragraph of section 369, and the recommendations of the regional department of general medicine, obtained in the manner set out in subparagraph 1 of the first paragraph of section 417.2.

The regional plan, together with the parts of the organization plans of institutions that were used in preparing the regional plan, must be submitted to the Minister for approval with or without amendment.”

113. The said Act is amended by inserting, after section 377, the following section :

“**377.1.** In order to ensure compliance with the regional medical staffing plan, every physician in the region who is remunerated by the Régie de l’assurance-maladie du Québec and practises in a private health facility shall be bound by an agreement entered into under the seventh paragraph of section 19 of the Health Insurance Act.”

114. Section 378 of the said Act is amended

(1) by replacing the words “each organization plan submitted to it by an institution” in the second line of the first paragraph by the words “the parts of the organization plans transmitted to it by institutions in accordance with sections 184 and 186”;

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

“However, before approving the parts of the organization plans referred to in the first paragraph that were transmitted to it by institutions which operate a

centre designated as a university hospital centre or university institution, the regional board shall consult the university with which each institution is affiliated. Such consultation shall bear on all the parts of the organization plans of the institutions.”;

(3) by inserting the words “part of an” after the word “each” in the first line of the third paragraph.

115. Section 383 of the said Act is amended by replacing the last paragraph by the following paragraphs :

“The provisions of sections 260 to 265, 278 to 280, 282, 289 to 292, 294 to 297, 436, 485, 486, 489, 499 and 500, adapted as required, apply to a legal person referred to in this section.

The auditor appointed by a legal person pursuant to section 290 must, for the fiscal year of the appointment, audit the financial report of the legal person and perform the other duties included in the audit mandate determined by the legal person, the regional board or the Minister.”

116. Section 384 of the said Act is replaced by the following section :

“**384.** The regional board shall determine the procedure according to which, and the intervals at which, a public institution, a private institution under agreement, and an accredited private resource must respond to the questions of the regional board concerning their management.

The regional board shall also determine the procedure according to which it must, once a year, account for its management to the population of its territory, more specifically by presenting an annual report on its activities. The procedure must be submitted to the Minister for approval.”

117. Section 390 of the said Act is replaced by the following section :

“**390.** A regional board is subject to the provisions of section 115 and the first paragraph of section 269.1, adapted as required, with regard to the complementary activities it organizes and the rules governing the use of its own property.”

118. Section 391 of the said Act is replaced by the following section :

“**391.** Not later than 30 September each year, a regional board shall submit a report on its activities for the year ending on the preceding 31 March to the Minister.

The report must contain a description of the role of the regional board and a general statement of its operations for the preceding fiscal year, with a description of the objectives set at the beginning of the fiscal year, the results

obtained, the new orientations adopted, and any changes affecting the activities and the human, material and financial resources of the board for that year.

The report must include financial statements, consisting of a balance sheet, a statement of revenue and expenditure and a statement of changes in financial position. The statements must be presented in a way that allows each item for the fiscal year just ended to be compared with the corresponding item for the previous fiscal year. The regional board must mention, in its financial statements and in the notes and tables to which the statements refer, if any, all the relevant information needed for a full disclosure of its financial position.

The report must also mention the activities of the institutions in the region and the community organizations that receive subsidies from the regional board under section 336 for the year ending on the preceding 31 March.”

119. Section 393 of the said Act is repealed.

120. Section 395 of the said Act is amended

(1) by replacing the words “reports and” in the second line by the words “the reports it must transmit to the Minister and the”;

(2) by replacing the words “that must be made” in the second line by the words “it must cause to be carried out”.

121. Section 397 of the said Act is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph :

“(4) two persons elected by the public educational institutions having their head offices in the region from among the members of the boards of directors of those institutions;”.

122. Section 397.1 of the said Act is repealed.

123. Section 397.2 of the said Act is amended by adding, at the end of the first paragraph, the following sentence: “The Minister may also, in determining the composition of each group, take into account the representation of each part of the territory of the regional board.”

124. The said Act is amended by inserting, after section 398, the following section :

“398.0.1. If a position cannot be filled by the application of section 397 or 398, the Minister shall appoint a person to the position within 60 days.”

125. Section 398.1 of the said Act is amended by inserting the words “a director of a private institution,” after the words “with the exception of” in the first line of the second paragraph.

126. The said Act is amended by inserting, after section 398.1, the following section :

“**398.2.** A person ceases to be a member of a board of directors when the person no longer qualifies for appointment or election to the board of directors.

However, a person elected to the board of directors of a public institution under paragraph 1 of one of sections 129 to 132.1 is considered to remain qualified when the institution is amalgamated if the person is a member of the board of directors of the institution resulting from the amalgamation.”

127. Section 400 of the said Act is amended by striking out the figure “152,” in the first line.

128. Section 401 of the said Act is amended by inserting, after the second paragraph, the following paragraph :

“If the board of directors fails to fill a vacancy within 60 days, the Minister may fill the vacancy.”

129. Section 405 of the said Act is amended by replacing the words “senior management” in the second and third lines of subparagraph 3 of the second paragraph by the word “complaints”.

130. Section 407 of the said Act is replaced by the following section :

“**407.** Sections 175 and 181, adapted as required, apply to the regional board.”

131. Section 409 of the said Act is replaced by the following section :

“**409.** Sections 161, 161.1, 162 and 164, adapted as required, apply to meetings of the board of directors.”

132. Section 410 of the said Act is amended by replacing the words “the majority vote of” in the second and third lines of the first paragraph by the words “a majority of the votes cast by”.

133. Section 411 of the said Act is repealed.

134. Section 414 of the said Act is amended by striking out the second and third paragraphs.

135. Section 417 of the said Act is replaced by the following section :

“**417.** Sections 234 and 235, adapted as required, apply to the board of directors of a regional board.”

136. The said Act is amended by inserting, after section 417, the following division :

“DIVISION VI

“REGIONAL DEPARTMENT OF GENERAL MEDICINE

“417.1. A regional department of general medicine is hereby established within each regional board.

The department shall consist of all the general practitioners who are remunerated by the Régie de l'assurance-maladie du Québec and practise in the region, including those who practise in a private medical facility.

“417.2. Within the framework of the powers conferred on the regional board, the regional department of general medicine shall, while taking account of the responsibilities of the institutions in the territory of the regional board, exercise the following responsibilities under the authority of the executive director :

(1) making recommendations concerning the part of the regional medical staffing plan relating to general practitioners that must be drawn up in accordance with section 377 and, once the plan has been approved by the Minister, ensuring the implementation and application of the regional board's decision concerning the plan ;

(2) defining and proposing the regional organization plan for general medical care services, and ensuring its implementation and application of the regional board's decision concerning the plan ;

(3) defining and proposing the system of access to general medical care, that may include an integrated duty roster and an on-call duty roster for services dispensed in residential and long-term care centres and under the home-care program and ensuring the implementation and coordination of the regional board's decision concerning the system, the whole within the framework of the regional organization plan for general medical care services ;

(4) making recommendations on the nature of the general medical care services arising from priority programs, and ensuring the implementation of the regional board's decision concerning such matters ;

(5) making recommendations concerning the list of specific medical activities referred to in section 361, and ensuring the implementation of the regional board's decision concerning the list ;

(6) evaluating the degree to which the objectives of the regional organization plan for general medical care services and of the part of the regional medical staffing plan relating to general practitioners have been met ;

(7) giving its opinion on any project concerning the dispensing of general medical care services;

(8) carrying out any other function assigned to it by the executive director of the regional board in connection with general medical services.

Where the regional department of general medicine fails to exercise its responsibilities under subparagraph 2 or 3 of the first paragraph, the board of directors of the regional board may request that they be exercised by the executive director.

“417.3. The responsibilities of the regional department of general medicine shall be exercised by a supervisory committee comprising the following members :

(1) three physicians elected by and from among the physicians who are members of the department ;

(2) two to nine physicians who are members of the department, co-opted by the physicians elected under paragraph 1 in the number fixed in accordance with section 417.4 ;

(3) the executive director of the regional board, or a physician designated by the executive director.

“417.4. The specific composition of the supervisory committee of the regional department of general medicine, the procedure governing the election and appointment of members under paragraphs 1 and 2 of section 417.3 and their terms of office shall be determined by a by-law made by the physicians who are members of the department and who are present at a general meeting called for that purpose.

The by-law must prescribe that a majority of the members of the supervisory committee are to be physicians practising in primary health care, and that the composition of the committee is to ensure equitable representation of each part of the territory of the regional board and each area of medical practice. The by-law shall come into force after being approved by the board of directors of the regional board.

“417.5. The regional department of general medicine shall be directed by a department head appointed by the supervisory committee from among the members of the committee referred to in paragraphs 1 and 2 of section 417.3; the appointment must be approved by the board of directors of the regional board.

“417.6. The supervisory committee of the regional department of general medicine may adopt by-laws concerning its internal management, the creation of committees and sub-territorial units together with their mode of operation, and the pursuit of the department’s objectives.

Such by-laws may also prescribe the manner in which some or all of the responsibilities assigned to the supervisory committee may be entrusted to the department head of the regional department of general medicine. The by-laws shall come into force after being approved by the board of directors of the regional board.”

137. Section 431 of the said Act, amended by section 50 of chapter 75 of the statutes of 1997, is again amended in the second paragraph

(1) by striking out the words “and programs” in the first line of subparagraph 1;

(2) by inserting the words “, in the cases provided for in the last paragraph of section 347, the parts of” after the word “and” in the first line of subparagraph 2;

(3) by striking out the words “for the implementation of the programs,” in the second line of subparagraph 3;

(4) by replacing subparagraph 6 by the following subparagraph :

“(6) establish policies and orientations relating to the workforce in the health and social services network, monitor their implementation and evaluate them;”;

(5) by replacing subparagraph 8 by the following subparagraph :

“(8) establish the public health program, take the measures that are best suited to ensure the protection of public health, and ensure inter-regional coordination.”

138. Section 433 of the said Act is amended by striking out the words “concerning the programming of health services and social services” in the first and second lines.

139. The heading of Division I of Chapter II of Title II of Part III of the said Act is replaced by the following heading :

“ISSUE AND MODIFICATION”.

140. Section 438 of the said Act is amended by replacing the words “associated with an institution from using the name of the institution in its corporate name” in the first and second lines of the second paragraph by the words “of an institution within the meaning of section 132.2 from using the name of the institution in its name,”.

141. Section 442 of the said Act is replaced by the following section :

“**442.** A permit is valid until it is modified, cancelled or withdrawn.”

142. Section 443 of the said Act is repealed.

143. The heading of Division III of Chapter II of Title II of Part III of the said Act is replaced by the following heading:

“SUSPENSION AND CANCELLATION”.

144. Section 446 of the said Act is amended by replacing the words “, cancel or refuse to renew” in the first line by the words “or cancel”.

145. Section 447 of the said Act is amended

(1) by replacing the words “, cancelling or refusing to renew” in the second line of the first paragraph by the words “or cancelling”;

(2) by replacing the words “, cancel or refuse to renew” in the second line of the second paragraph by the words “or cancel”.

146. Section 448 of the said Act is amended by replacing the words “, cancel or refuse to renew” in the second line of the second paragraph by the words “or cancel”.

147. Section 449 of the said Act, amended by section 732 of chapter 43 of the statutes of 1997, is again amended

(1) by replacing the words “, cancelling or refusing to renew” in the first paragraph by the words “or cancelling”;

(2) by replacing the words “, cancels or refuses to renew” in the first line of the second paragraph by the words “or cancels”.

148. Section 450 of the said Act, amended by section 733 of chapter 43 of the statutes of 1997, is again amended by striking out the words “or whose application for renewal is rejected” in the first and second lines.

149. Section 451.2 of the said Act is amended by replacing the words “sections 442 and 443” in the first line of the second paragraph by the words “section 442”.

150. The said Act is amended by inserting, after section 453, the following section:

“**453.1.** The Minister may delegate the powers that may be exercised by the Minister pursuant to this division to each regional board.”

151. Section 457 of the said Act is replaced by the following section :

“**457.** Every person applying for accreditation must file an application with the regional board.

The regional board, once it has approved the application, shall send it to the Minister who may grant accreditation on the conditions determined by the Minister.”

152. Section 463 of the said Act is amended

(1) by striking out the words “implement the programs for which they are responsible and to” in the second and third lines of the second paragraph ;

(2) by replacing the words “regional service organization plans” in the first line of the third paragraph by the words “the part of the regional service organization plans referred to in the last paragraph of section 347”.

153. Section 475 of the said Act is amended

(1) by replacing the words “After consulting the regional board, the Minister may, if he considers it in the public interest and justified by the needs of a” in the first and second lines by the words “A regional board may, if it considers it in the public interest and justified by the needs of the” ;

(2) by adding, at the end, the following paragraphs :

“The terms and conditions of financing set out in an agreement entered into pursuant to the first paragraph are subject to the provisions of section 476. The same applies in the case of the renewal of such an agreement.

In case of disagreement between a regional board and a private institution as regards the determination of the terms and conditions of financing applicable under an agreement or upon the renewal of an agreement, the regional board may, six months after the beginning of discussions, apply to the Minister for a determination of such terms and conditions.”

154. Section 476 of the said Act is replaced by the following section :

“**476.** The Minister shall determine, with the approval of the Conseil du trésor, the general terms and conditions relating to the financing of the activities of private institutions, and that shall be applicable, subject to the exceptions provided for by the Minister, to all financing agreements entered into pursuant to subparagraph 2 of the first paragraph of section 475.

The Minister shall also determine the minimum content, the duration and, where necessary, the form of agreements entered into pursuant to section 475. The content of such agreements may vary according to the region concerned, the nature or scope of the services dispensed by the institutions having a similar mission, or the users served by such institutions.”

155. The said Act is amended by inserting, after section 487, the following sections :

“**487.1.** The Minister may, by regulation, determine the information relating to the report on activities and the annual financial report that a public institution must present during its public information session.

“**487.2.** The Minister may, by regulation, determine the standards and scales which must be used by regional boards, public institutions and private institutions under agreement for

(1) the selection, appointment and engagement of and the remuneration and other terms of employment applicable to executive directors and senior and middle management personnel;

(2) the remuneration and other terms of employment applicable to the other staff members, subject to the collective agreements in force.

The Minister may establish by regulation for persons referred to in subparagraphs 1 and 2 of the first paragraph who are not governed by a collective agreement, a procedure of appeal for cases of dismissal, termination of employment or non-renewal of employment, except when arising from forfeiture of office, and for cases of suspension without pay or of demotion. The regulation may also prescribe a procedure for the settlement of disagreements over the interpretation and application of the terms of employment established thereby. Lastly, the regulation may prescribe a method for the designation of an arbitrator, to which sections 100.1 and 139 to 140 of the Labour Code (chapter C-27) apply, and the measures the arbitrator may take after having heard the parties.

A regulation under this section must be submitted for approval to the Conseil du trésor.”

156. The said Act is amended by inserting, after section 489, the following section :

“**489.1.** The Minister may delegate the powers exercised by the Minister under this division to each regional board.”

157. Section 505 of the said Act is amended

(1) by replacing paragraph 1 by the following paragraph :

“(1) determine the care and services to be included in the emergency services dispensed by the institutions designated by the regional board pursuant to paragraph 1.1 of section 359, and fix the maximum bed occupation time in emergency services;”;

(2) by replacing the word “in” in the second line of paragraph 5 by the word “by”;

(3) by striking out the words “may or” in the first line of paragraph 6;

(4) by striking out paragraphs 7, 9, 12, 18 and 20;

(5) by replacing paragraph 21 by the following paragraph :

“(21) determine the form and tenor of an application for a permit, the qualifications required of the applicant, and the conditions to be fulfilled and information and documents to be provided by the applicant;”;

(6) by adding, at the end of paragraph 25, the words “and, for the institution to which Part IV.2 applies, the information that it may require from community organizations”;

(7) by striking out paragraph 29.

158. Section 506 of the said Act is amended by inserting, after paragraph 3, the following paragraph :

“(3.1) determine the procedure to be followed by, and the content of the form to be used by, a physician or dentist practising in a centre operated by an institution in order to receive remuneration from the Régie de l’assurance-maladie du Québec;”.

159. Section 507 of the said Act is repealed.

160. Section 512 of the said Act is amended by replacing the words “including any intermediate resource of a public institution, or taken in charge” in the third and fourth lines of the first paragraph by the words “or taken in charge by an intermediate resource of a public institution or”.

161. The said Act is amended by inserting, after section 520, the following :

“PART III.1

“EDP ASSETS AND SECURITY OF ELECTRONIC INFORMATION

“**520.1.** In this Part, “EDP asset” means any electronic database, computer system, telecommunications system, information technology, facility, or combination of such ; certain components of a piece of specialized or ultra-specialized medical equipment may be considered to be EDP assets, in particular when the equipment is connected electronically to other EDP assets.

“**520.2.** The Minister shall determine orientations relating to EDP assets, and the regional boards shall be responsible for implementing those orientations within the health and social services network.

“**520.3.** The Minister may, in accordance with the rules governing the awarding of contracts that apply to government departments and bodies,

select the supplier of the provincial telecommunications network for the health and social services network, and require the regional boards and public institutions to use the services of that supplier.

“520.4. The Minister may, by regulation, prescribe security standards to assure the confidentiality and security of electronic information, that shall apply to regional boards, institutions, and any person who uses the EDP assets of the health and social services network.

The regulation shall specify those of its provisions whose contravention constitutes an offence.”

162. Section 522 of the said Act is replaced by the following section :

“522. The Centre shall carry out the mandates specified in the regulation made under section 487.2, or that are entrusted to it by the Minister.”

163. Section 529 of the said Act is replaced by the following section :

“529. The Centre shall make by-laws for its internal management.”

164. Section 530.4 of the said Act is repealed.

165. Section 530.5 of the said Act is amended

(1) by replacing the word “person” in the first line of the second paragraph by the words “complaints officer”;

(2) by replacing the words “senior management” in the third line of the second paragraph by the word “complaints”;

(3) by replacing the words “person responsible” in the sixth line of the second paragraph by the words “complaints officer of the institution referred to in section 530.1”;

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

“In addition, where the complaints officer of the institution whose head office is situated outside the territory to which this Part applies receives a complaint directly from a user whose place of residence is situated in the territory to which this Part applies as regards services that have or should have been provided to the user by that institution, the complaints officer must, after informing the complaints officer of the institution referred to in section 530.1, examine the complaint in the manner set out in sections 32 to 41 and communicate the results to the complaints officer of the institution referred to in section 530.1, who shall inform the user with dispatch of the action taken in response to the complaint.”

166. Section 530.6 of the said Act is repealed.

167. Section 530.7 of the said Act is amended

(1) by striking out the words “in writing” in the first line of the first paragraph;

(2) by replacing the word “person” in the third line of the first paragraph by the words “complaints officer”;

(3) by replacing the last two paragraphs by the following paragraphs :

“In such a case, the complaints officer must, with dispatch, transmit the complaint to the complaints officer of the regional board concerned, who shall examine the complaint in the manner set out in sections 44 to 52 and communicate the results to the complaints officer of the regional board referred to in section 530.25, who shall inform the user with dispatch of the action taken in response to the complaint.

In addition, where the complaints officer of a regional board established for a different territory from that of the regional board referred to in section 530.25 receives a complaint on the grounds set out in the first paragraph directly from a user whose place of residence is situated in the territory to which this Part applies, the complaints officer must, after informing the complaints officer of the regional board referred to in section 530.25, examine the complaint in the manner set out in sections 44 to 52 and communicate the results to the complaints officer of the institution concerned, who shall inform the user with dispatch of the action taken in response to the complaint.”

168. Section 530.8 of the said Act is replaced by the following section :

“530.8. A person whose place of residence is situated in the territory to which this Part applies and who uses the services of a community organization referred to in section 334 or is lodged in a nursing home accredited for purposes of subsidies under section 454, may, where the head office of that organization or nursing home is situated outside the territory of the person’s residence, file a complaint with the complaints officer responsible for the application of the complaint examination procedure of the regional board referred to in section 530.25 as regards the services that have or should have been provided to the person by the organization or nursing home.

In such a case, the complaints officer of the regional board referred to in section 530.25 must, with dispatch, transmit the complaint to the complaints officer of the regional board established for the territory in which the head office of the organization or nursing home referred to in the first paragraph is situated, who shall examine the complaint in the manner set out in sections 73 to 76 and communicate the results to the complaints officer of the regional board referred to in section 530.25, who must inform the person, with dispatch, of the action taken in response to the complaint.

In addition, where the complaints officer of the regional board established for the territory in which the head office of the organization or nursing home referred to in the first paragraph is situated receives a complaint directly from a person in one or other of the situations referred to in the first paragraph, the complaints officer must, after notifying the complaints officer of the regional board referred to in section 530.25, examine the complaint in the manner set out in sections 73 to 76 and communicate the results to the complaints officer of the regional board referred to in section 530.25, who shall inform the person, with dispatch, of the action taken in response to the complaint.”

169. Division IV of Chapter III of Title I of Part IV.1 of the said Act, comprising section 530.22, is repealed.

170. Division IV of Chapter IV of Title I of Part IV.1 of the said Act, comprising section 530.32, is repealed.

171. The said Act is amended by inserting, after section 530.42, the following:

“PART IV.2

**“SPECIAL PROVISIONS APPLICABLE IN A PART OF
THE NORD-DU-QUÉBEC REGION**

“TITLE I

“GENERAL PROVISIONS

“530.43. This Part applies in the territory of the Nord-du-Québec administrative region described in paragraph 16 of Schedule I to Order in Council 2000-87 dated 22 December 1987, with any present and future amendments, except the territory defined in section 2 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1) and the territory delimited by Order in Council 1213-78 dated 20 April 1978 and coming under the jurisdiction of the James Bay Cree health and social services council.

“530.44. Only one public institution shall have its head office in the territory to which this Part applies.

“530.45. No regional board shall be established in that territory.

“530.46. The provisions of this Act applicable to public institutions apply to the institution to which this Part applies, subject to any special provisions enacted by this Part.

“TITLE II**“COMPLAINTS**

“530.47. A user having filed a complaint with an institution may address the complaint to the complaints commissioner if the user disagrees with the conclusions sent to the user by the complaints officer responsible for the complaints examination procedure or deemed to have been sent to the user under section 36, or if the complaints officer has refused or ceased to examine the complaint.

The provisions of sections 56 to 62 and 67 apply to the filing of a complaint with the complaints commissioner; for that purpose, the expressions “the regional board” and “regional board” mean the institution. In addition, the remedy available under section 35 or 36 is the remedy available under this section.

“530.48. Complaints made under section 72 shall be filed with the institution.

The provisions of sections 67 and 72 to 76 apply to those complaints and the provisions of sections 56 to 62 apply to the filing of a complaint with the complaints commissioner. For such purposes, the expressions “the regional board” and “regional board” mean the institution and a reference to section 43 is a reference to section 29.

“530.49. The institution must send the report referred to in section 68 to the Minister.

The Minister shall table the report before the National Assembly together with the reports referred to in section 71.

“TITLE III**“SPECIAL FUNCTIONS OF THE INSTITUTION**

“530.50. In addition to exercising the functions inherent in the missions of the centres it operates, the object of the institution to which this Part applies is to exercise the responsibilities of a regional board referred to in section 340, except the responsibilities to be exercised in respect of other institutions.

The advice of the regional medical commission required under subparagraph 3 of the second paragraph of section 340 must be obtained from the council of physicians, dentists and pharmacists of the institution.

“530.51. The institution must inform the users in the region of the health services and social services available to them and of their rights, recourses and obligations in that respect.

“530.52. The institution shall exercise the functions of a regional board relating to the health and welfare priorities provided for in section 346 and the functions relating to the organization of services provided for in sections 347 to 349.

The institution shall apply section 105 in accordance with the regional service organization plans referred to in section 347 and shall submit the parameters referred to in the second paragraph of section 105 to the Minister for approval.

“530.53. The institution shall exercise the coordination functions of a regional board referred to in section 352 in respect of the activities of community organizations and specific medical activities as well as the functions referred to in section 353.

“530.54. The institution shall determine, within the framework of its regional service organization plans and in accordance with the orientations identified for that purpose by the Minister, the general rules governing access to the services it offers. It shall implement any mechanism of access to services it considers necessary to ensure a prompt and adequate response to users' needs.

The mechanisms of access to services must take the sociocultural and linguistic characteristics of the users into account.

“530.55. The institution shall ensure that intermediate resources and family-type resources are developed in harmony with the capacity of the region concerned to accept them.

“530.56. The institution shall adopt adequate operating standards for its emergency services and apply standards consistent with the principle of an adequate distribution of emergency cases in determining the use and allocation of beds.

The institution shall develop and implement a regional information system to monitor, on a daily basis, the situation in the centres operated by it as regards the number and nature of registrations and admissions of users and their transfer and transport by ambulance.

“530.57. The provisions of sections 360 to 366 are applicable. For that purpose and according to the rules set out in section 361, the institution shall establish a list of specific medical activities based on regional service organization plans and exercise the other powers and duties of a regional board; in addition, the expression “regional medical commission” means the council of physicians, dentists and pharmacists of the institution.

“530.58. The council of physicians, dentists and pharmacists of the institution shall exercise the powers and duties of the regional medical commission described in the first paragraph of section 369; for the purposes

of that provision, the expressions “the regional board” and “the board” mean the institution.

“530.59. The institution shall exercise the functions of a regional board relating to public health provided for in the first paragraph of section 371. The provisions of sections 372 to 375 are applicable to the public health director; for that purpose, the expressions “Each regional board”, “A regional board” and “the regional board” mean the institution.

However, instead of creating a public health directorate pursuant to paragraph 2 of section 371, the institution may enter into an agreement with a regional board whereby the responsibilities provided for in sections 373 to 375 are assumed by the public health director of another region.

The public health director of the institution or of the regional board with which the institution has entered into an agreement referred to in the second paragraph shall become a member of the council of physicians, dentists and pharmacists of the institution.

“530.60. The institution shall draw up a regional human resources development plan in keeping with the orientations determined and policies established by the Minister and in cooperation with the organizations concerned, and see to its implementation.

To that end, the institution shall

(1) organize professional development activities within the framework of the implementation of the regional service organization plans;

(2) organize professional development activities for the members of its board of directors;

(3) assist community organizations with regard to professional development activities for their members.

“530.61. The institution shall exercise the powers and duties of a regional board provided for in section 377 concerning the medical staffing plan of the region, the powers and duties provided for in section 380 concerning the advice to be given to the Minister, the powers and duties provided for in section 381 concerning community organizations and the powers and duties provided for in section 384 concerning accredited private resources.

Section 377.1 applies in respect of the medical staffing plan developed by the institution.

“TITLE IV**“BOARD OF DIRECTORS OF THE INSTITUTION****“CHAPTER I****“ESTABLISHMENT**

“530.62. The board of directors of the institution to which this Part applies shall be composed of the following persons, who shall be members of the board as and when they are elected or appointed :

- (1) five persons elected by the population ;
- (2) one person elected by and from among the physicians, dentists and pharmacists who practise their profession in any centre operated by the institution ;
- (3) three persons elected by and from among the persons employed by the institution, provided, however, the position titles of the elected persons are different and, where applicable, those persons are members of different professional orders and work in facilities situated in different localities ;
- (4) one person elected by the users' committee of the institution ;
- (5) where applicable, one person appointed by the board of directors of the foundation of the institution within the meaning of section 132.2 or, if there is more than one foundation for the institution, elected jointly by the boards of directors of such foundations ;
- (6) one person elected by the community organizations designated by the Minister ;
- (7) two persons appointed by the members referred to in paragraphs 1 to 6 ;
- (8) the executive director of the institution.

“530.63. The institution shall, every three years, on such day as the Minister determines, invite the population to elect the persons referred to in paragraph 1 of section 530.62. No minor is entitled to vote.

The mechanisms whereby candidates may address the population before an election, and the election procedure to be followed shall be determined by regulation of the Minister, as well as the standards relating to advertising, financing, the powers and duties of election officers and campaign literature.

“530.64. The Minister shall determine, by regulation, the procedure to be followed for the election or appointment of the persons referred to in paragraphs 2 to 6 of section 530.62.

The Minister shall fix the date on which each such election is to be held or appointment made.

“530.65. Once the members referred to in paragraphs 1 to 6 of section 530.62 have been elected or appointed, the members shall, within 30 days, elect two persons to the board of directors by cooptation.

The members shall, by means of the election by cooptation, allow for membership on the board of directors of persons whose competence and skills are considered useful to the administration of the institution, and ensure just representation of the parts of the territory of the region, the sectors of activity or the sociocultural, linguistic or demographic groups of the region and the most equitable representation possible of women and men.

An appointment made under this section must, to be valid, be submitted to the Minister for approval.

“530.66. If a position cannot be filled by the application of section 530.62 or section 530.65, the Minister shall appoint a person to the position within 60 days.

“530.67. Any interested person may present a motion in contestation or annulment of any election held under this chapter before the Administrative Tribunal of Québec.

The provisions of section 148 apply to the proceeding.

“CHAPTER II

“TERM OF OFFICE, QUALIFICATION FOR MEMBERSHIP AND VACANCIES

“530.68. The term of office of a member of the board of directors cannot be renewed more than once.

“530.69. No person employed by a community organization may be elected or appointed as a member of the board of directors of the institution except under paragraph 6 of section 530.62.

“530.70. In section 156, the expression “the regional board” means the Minister, the reference to paragraph 2 or 3 of sections 129 to 132.1 is a reference to paragraphs 2, 3 and 4 of section 530.62 and the reference to section 135 is a reference to section 530.63.

“CHAPTER III**“OPERATION**

“530.71. The board of directors of the institution shall meet at least six times a year.

“530.72. In addition to the powers provided for in section 181, the board of directors may, by by-law,

(1) set up the committees necessary for the pursuit of its objects;

(2) determine the composition, functions, duties and powers of the committees and their operating procedures, internal management rules and financing;

(3) determine the mode of appointment, qualifications, functions, duties and powers and the terms of office of committee members and the dismissal procedure.

“TITLE V**“OTHER PROVISIONS SPECIFIC TO THE INSTITUTION**

“530.73. Every agreement entered into by the institution to which this Part applies in accordance with section 108 shall become effective 60 days after it is filed with the Minister unless it is disallowed by the Minister.

“530.74. An institution must obtain authorization from the Minister before entering into a contract referred to in the second paragraph of section 110.

“530.75. The organization plan of the institution shall be transmitted to the Minister.

The elements of the plan referred to in section 184 must be determined taking into account the regional service organization plans drawn up by the institution. That part of the organization plan of the institution must be transmitted to the Minister for approval. Once approved by the regional board, the said part of the organization plan shall constitute the medical and dental staffing plan of the institution. During a review, the medical and dental staffing plan of the institution shall continue to apply until the Minister makes a decision concerning the review.

“530.76. The authorization referred to in the fourth paragraph of section 199 shall be given to the institution by the Minister.

“530.77. The copy of the report required under section 212 shall be transmitted to the Minister by the institution.

“530.78. The approval required under section 240 shall be given to the institution by the Minister and the notification required under sections 245 and 256 shall be given to the Minister by the institution.

“530.79. Section 263 does not apply to the institution, except for the purposes of section 260.

The institution is not required to obtain the authorizations or acceptations provided for in sections 268, 269.1, 271 and 272.

The advice and authorizations provided for in sections 265 and 296 shall be given to the institution by the Minister.

The Minister may require the institution to furnish the information referred to in section 279.

“530.80. The annual report on activities of the institution, forwarded to the Minister in accordance with section 278, must also include the elements prescribed by the fourth paragraph of section 391 concerning community organizations.

The Minister shall table the report before the National Assembly within 30 days of its receipt or, if the Assembly is not in session, within 30 days after resumption.

The National Assembly shall refer the report to the Parliamentary Committee on Social Affairs which shall examine it and hear the institution at least once every three years.

“530.81. The operating budget estimates for the institution shall be drawn up on the basis of the budgetary parameters transmitted by the Minister.

In sections 286 to 288, the expression “the regional board” means the Minister.

The report required under section 295 shall be submitted to the Minister.

“530.82. The institution may call upon the services of an intermediate resource for the purpose of carrying out the mission of a centre operated by the institution. The institution shall exercise the responsibilities of a regional board in respect of such resources.

The institution may also call upon the services of a family-type resource for the placement of adults or elderly persons and, if it operates a centre referred to in the second or third paragraph of section 310, for the placement of children. The institution shall exercise the responsibilities of a regional board in respect of such resources.

In section 307, the expression “the regional board” means the Minister.

“530.83. The institution shall exercise the functions of a regional board referred to in section 336 concerning the granting of subsidies to community organizations. The institution shall notify the Minister within 30 days of any decision concerning the granting of a subsidy.

The institution must ensure control over the subsidies granted to community organizations.

“530.84. The institution shall send any application concerning its permit to the Minister.

“530.85. The institution may allocate a financial allowance referred to in section 454 to a person operating a private nursing home.

For the purposes of sections 457 and 459, the expression “the regional board” means the institution.

“530.86. Sections 463 to 465 relating to the funding of services apply to the institution as if it were a regional board.

“530.87. The regulation made under section 510 must prescribe the formation of a regional committee for the territory to which this Part applies; in that section, the expressions “the regional board” and “that board” mean the institution.

“530.88. The institution shall exercise the responsibilities entrusted to a regional board under Part III.1.”

172. Section 531 of the said Act, amended by section 49 of chapter 36 of the statutes of 1996, is again amended by adding the words “or in the second paragraph of section 520.4” after the figure “511” in the second line of the first paragraph.

173. The said Act is amended by replacing the words “senior management officer”, wherever they occur in sections 38 to 41, 45, 48 and 50 to 52, by the words “complaints officer”.

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

174. Section 195 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by adding, at the end, the following paragraph :

“For the territory to which Part IV.2 of the Act respecting health services and social services applies, the specific agreement shall be made with the institution having its head office in that territory.”

AUTOMOBILE INSURANCE ACT

175. Section 155.5 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by inserting the words “, to the institution to which Part IV.2 of that Act applies” after the words “(chapter S-4.2)” in the second line of the first paragraph.

HOSPITAL INSURANCE ACT

176. Section 2 of the Hospital Insurance Act (R.S.Q., chapter A-28) is amended by inserting the words “and to the institution to which Part IV.2 of the Act respecting health services and social services applies” after the word “centre” in the fifth line of the first paragraph.

HEALTH INSURANCE ACT

177. Section 19 of the Health Insurance Act (R.S.Q., chapter A-29) is amended

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

“An agreement may, to ensure compliance with the regional medical staffing plans referred to in section 377 of the Act respecting health services and social services, provide for different remuneration for certain classes of health care professionals according to the location of their practice or the territory in which they exercise their activities.”;

(2) by inserting, after the eighth paragraph, the following paragraph:

“Failing an agreement to determine the different remuneration referred to in the seventh paragraph, the Government may fix the remuneration in a regulation to stand in lieu of the agreement.”

178. Section 19.0.1 of the said Act is amended by replacing the word “seventh” in the second line by “eighth”.

179. Section 19.1 of the said Act is amended by replacing the word “eleventh” in the second paragraph by the word “thirteenth”.

180. Section 65 of the said Act, amended by section 128 of chapter 63 of the statutes of 1997, is again amended by inserting the words “and to the institution to which Part IV.2 of that Act applies” after the words “(chapter S-4.2)” in the second line of the third paragraph.

181. Section 66.1 of the said Act is amended by adding, at the end of the third paragraph, the following: “together with information, in nominative form concerning the specialty in which general practitioners and medical specialists are classified, the fact that they receive or do not receive remuneration from the Board, and the location of their practice, in other words

the name of the institution concerned if they practise in a centre operated by an institution, or the name of the locality, in other cases. The Board shall also, on request, send the practice profiles to the organization representing general practitioners and the organization representing medical specialists with which the Minister has entered into an agreement within the meaning of section 19, and to the group formed by the regional boards.”

182. Section 69 of the said Act is amended by inserting the words “or by the institution to which Part IV.2 of the Act respecting health services and social services applies” after the word “board” in the second line of subparagraph *x* of the first paragraph.

ACT RESPECTING THE CONSEIL DE LA SANTÉ ET DU BIEN-ÊTRE

183. Section 4 of the Act respecting the Conseil de la santé et du bien-être (R.S.Q., chapter C-56.3) is amended by inserting the words “or from the institution to which Part IV.2 of that Act applies” after the words “(chapter S-4.2)” in the fifth line.

ACT TO ENSURE THAT ESSENTIAL SERVICES ARE MAINTAINED IN THE HEALTH AND SOCIAL SERVICES SECTOR

184. Section 19 of the Act to ensure that essential services are maintained in the health and social services sector (R.S.Q., chapter M-1.1) is amended by replacing the words “or regional council” in the first and second lines of the second paragraph by the words “, the regional council or the institution to which Part IV.2 of the Act respecting health services and social services applies”.

PUBLIC HEALTH PROTECTION ACT

185. Section 1 of the Public Health Protection Act (R.S.Q., chapter P-35) is amended by adding the words “and the institution to which Part IV.2 of that Act applies” at the end of paragraph *g.1*.

ACT RESPECTING THE DETERMINATION OF THE CAUSES AND CIRCUMSTANCES OF DEATH

186. Section 33 of the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2) is amended by adding, at the end of the second paragraph, the following sentence: “An agreement entered into with the institution to which Part IV.2 of that Act applies has effect only from the sixtieth day following its filing with the Minister of Health and Social Services, unless the Minister has disallowed the agreement.”

ACT RESPECTING THE RÉGIE DE L'ASSURANCE-MALADIE
DU QUÉBEC

187. Section 7 of the Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5) is amended by inserting the words “or of the institution to which Part IV.2 of that Act applies” after the word “Act” in the fourth line of the fifth paragraph.

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

188. Section 1 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1), amended by section 34 of chapter 27 of the statutes of 1997, is again amended by adding the words “and the institution to which Part IV.2 of that Act applies” at the end of the definition of “regional board”.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES
FOR CREE NATIVE PERSONS

189. Section 149.26 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) is amended

(1) by replacing the words “or regional board” in the first line of the first paragraph by the words “, every regional board or the institution to which Part IV.2 of the Act respecting health services and social services applies”;

(2) by replacing the words “or board” in the third line of the first paragraph by the words “, board or institution”.

190. Section 149.27 of the said Act is amended

(1) by replacing the words “and every regional board” in the first line of the first paragraph by the words “, every regional board or the institution to which Part IV.2 of the Act respecting health services and social services applies”;

(2) by replacing the words “or regional board” in the sixth and seventh lines of the first paragraph by the words “, the regional board or the institution”.

191. Section 149.28 of the said Act is amended by replacing the words “or regional board” in the first line of the first paragraph by the words “, a regional board or the institution to which Part IV.2 of the Act respecting health services and social services applies where the council, board or institution is”.

192. Section 149.32.1 of the said Act is amended

(1) by inserting the words “or the institution to which Part IV.2 of the Act respecting health services and social services applies” after the word “board” in the first line of the first paragraph;

(2) by inserting the words “, adapted as provided in section 530.48 of that Act as concerns the institution to which Part IV.2 of that Act applies,” after the words “(chapter S-4.2)” in the second line of the second paragraph;

(3) by inserting the words “or the institution” after the word “board” in the fourth line of the third paragraph;

(4) by inserting the words “, adapted as provided in section 530.48 of the said Act as concerns the institution to which Part IV.2 of the said Act applies,” after the word “Act” in the fifth line of the third paragraph.

193. The said Act is amended by inserting, after section 173.2, the following section:

“173.3. The Minister may, by regulation, prescribe security standards to assure the confidentiality and security of electronic information, that shall apply to the James Bay Cree health and social services council and to any person who, in the region in which the head office of the council is situated, uses the EDP assets of the health and social services network.

The regulation shall specify those of its provisions whose contravention constitutes an offence.”

194. Section 179 of the said Act is amended by adding the words “, and every person who contravenes a regulatory provision referred to in the second paragraph of section 173.3 is guilty of an offence and liable to a fine of \$325 to \$1,150 in the case of a natural person, or a fine of \$700 to \$7,000 in the case of a legal person” at the end of the second paragraph.

ACT RESPECTING ADMINISTRATIVE JUSTICE

195. Section 3 of Schedule I to the Act respecting administrative justice (1996, chapter 54), amended by section 871 of chapter 43 of the statutes of 1997, is again amended by replacing the words “or 530.16” in the first line of paragraph 11 by the words “, 530.16 or 530.67”.

TRANSITIONAL AND FINAL PROVISIONS

196. Institutions, regional boards and the complaints commissioner must modify their respective complaints examination procedures to comply with the modifications made by this Act and perform the obligations relating to the implementation of the modified procedures from 20 December 1998.

Until that date, the following provisions apply to complaints filed by users of family-type resources:

(1) Every complaint filed with a regional board by such a user in accordance with section 72 of the Act respecting health services and social services, as it read before 20 June 1998, shall continue to be heard by the regional board

according to the established procedure. If the examination of such a complaint has not been completed on 20 December 1998, it shall be continued in accordance with that procedure.

(2) The complaints commissioner shall retain authority to examine a complaint filed by such a user, in accordance with the procedure applicable before 20 December 1998, where the user disagrees with the conclusions transmitted by the senior management officer or by the complaints officer of the regional board pursuant to paragraph 1.

197. Unless otherwise decided by the Government, the following institutions are deemed to have been designated by a government order made pursuant to section 185 of the Act respecting health services and social services, as amended by section 68:

- (1) L'Hôpital de Montréal pour enfants ;
- (2) Hôpital neurologique de Montréal ;
- (3) Hôpital Ste-Justine ;
- (4) Institut de cardiologie de Montréal ;
- (5) Hôpital Shriners pour enfants (Québec) Inc. ;
- (6) L'Institut de réadaptation de Montréal.

198. The board of directors of a public institution must discharge its obligation to adopt by-laws under sections 234 and 235 of the Act respecting health services and social services, replaced by section 76 of this Act, on or before 20 December 1998.

199. For the purposes of the second paragraph of section 290 of the Act respecting health services and social services, replaced by section 91 of this Act, the first period of four years shall be computed from the fiscal year beginning on 1 April 1994.

The provisions of the third paragraph of the said section 290, enacted by section 91 of this Act, apply to a new institution established after 20 June 1998.

200. The rates or scale of rates of compensation determined by a regional board pursuant to section 304 of the Act respecting health services and social services, as amended by section 96 of this Act, apply in respect of the services provided by any new intermediate resource granted recognition after the date of coming into force of those rates.

With regard to the services provided by an intermediate resource granted recognition before that date, if, in the opinion of the regional board, the rates

or scale of rates of compensation determined by the regional board would necessitate major adjustments in relation to the amounts formerly received by the intermediate resource, the regional board may allow an interim period, not exceeding three years, during which the adjustments will be made gradually according to the scope of the corrections required.

201. The provisions of section 391 of the Act respecting health services and social services, replaced by section 118 of this Act, apply with regard to the year ending on 31 March 1999 and to all subsequent years.

202. A permit issued to an institution under the Act respecting health services and social services that is in force on (*insert here the date of coming into force of this section*) shall remain valid, notwithstanding its date of expiry, until it is amended, cancelled or withdrawn in accordance with the provisions of section 442 of the said Act, as replaced by section 141 of this Act.

203. Any agreement entered into under section 475 of the Act respecting health services and social services as it read before 20 June 1998 shall remain valid and shall be deemed to be an agreement entered into under section 475 of the said Act, as amended by section 153 of this Act.

However, the terms and conditions of financing provided for in such an agreement shall, without further formality, be subordinated to compliance with the provisions of section 476 of the Act respecting health services and social services, as replaced by section 154 of this Act.

204. Notwithstanding any inconsistent provision, the general terms and conditions relating to the financing of the activities of private institutions and the other measures determined in accordance with the provisions of section 476 of the Act respecting health services and social services, as replaced by section 154 of this Act, shall apply with respect to the fiscal year that began on 1 April 1998.

However, provided it is accepted by the Conseil du trésor and signed by the parties not later than 1 September 1998, an agreement entered into for the purpose of accepting the general terms and conditions and the other measures negotiated in accordance with the provisions of section 476 of the Act respecting health services and social services as it read before 20 June 1998 shall stand in lieu of the general terms and conditions and other measures referred to in the first paragraph and shall cease to have effect on 31 March 2003.

205. Any regulation made by the Government under section 507 of the Act respecting health services and social services, repealed by section 159 of this Act, shall remain in force and shall be deemed to have been made by the Minister of Health and Social Services under section 487.2 of the Act respecting health services and social services, enacted by section 155 of this Act.

206. The Minister may, upon the coming into force of section 520.3 of the Act respecting health services and social services, enacted by section 161 of this Act, require the regional boards and public institutions to use the services of the supplier of the telecommunications network already selected by the Minister in accordance with the rules governing the awarding of contracts that apply to government departments and bodies.

207. The Centre de santé et de services sociaux de la Radissonie is the institution to which Part IV.2 of the Act respecting health services and social services, enacted by section 171 of this Act, applies. To ensure that the composition of the board of directors of that institution meets the requirements of Chapter I of Title IV of the said Part, the Minister shall designate the provisional members of the board of directors of that institution after consulting the institution.

The provisional members designated by the Minister shall remain in office until they are replaced by persons elected or appointed pursuant to Chapter I of Title IV of Part IV.2 of the Act respecting health services and social services.

208. The Régie régionale de la santé et des services sociaux du Nord-du-Québec, established by Order in Council 1825-91 dated 18 December 1991, shall cease to exist on (*insert here the date of coming into force of this section*) and its rights and obligations become, without other formality, the rights and obligations of the Centre de santé et de services sociaux de la Radissonie.

The Centre becomes a party to any proceedings to which the Régie was a party, without continuance of suit.

The by-laws, resolutions and other acts of the Régie are deemed to be the by-laws, resolutions and acts of the Centre; the same applies to the permits issued by and the recognitions and accreditations granted by the Régie.

The records and other documents of the Régie become those of the Centre.

Complaints addressed to the Régie pursuant to section 42 of the Act respecting health services and social services are transferred to the complaints commissioner and complaints addressed to the Régie pursuant to section 72 of the said Act are transferred to the Centre.

209. This Act comes into force on 20 June 1998, except the provisions of paragraph 2 of section 63, sections 94 to 97, 139, 141 to 149, 160, 171, 202, 207 and 208, which come into force on the date or dates to be fixed by the Government.