

Regulations and other acts

Gouvernement du Québec

O.C. 901-2007, 17 October 2007

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

Issue of permits

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

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

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

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

WHEREAS it is expedient to make the Regulation with amendments;

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

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

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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

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

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

(1) be solvent;

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

(3) not have been the holder of a permit that was revoked or not renewed under section 446 or 446.1 of the Act in the three years preceding the application; and

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

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

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

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

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

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

(1) be solvent;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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