

Gouvernement du Québec

O.C. 631-2014, 26 June 2014

An Act respecting health services and social services
(chapter S-4.2)

Private seniors' residence
— Conditions for obtaining a certificate of compliance
and the operating standards
— Amendment

Regulation to amend the Regulation respecting the conditions for obtaining a certificate of compliance and the operating standards for a private seniors' residence

WHEREAS the Act to amend various legislative provisions concerning health and social services in order, in particular, to tighten up the certification process for private seniors' residences (2011, chapter 27) was assented to on 30 November 2011;

WHEREAS sections 7 to 10, 21 and 23 of the Act amend certain regulatory powers of the Government concerning private seniors' residences provided for in the Act respecting health services and social services (chapter S-4.2) or introduce new regulatory powers with regard to private seniors' residences;

WHEREAS the provisions of the Act respecting health services and social services, as amended by those sections, empowers the Government to make regulations to provide for categories of private seniors' residences, the qualities required for a person applying for a temporary certificate of compliance, the health and social criteria which the operator of a private seniors' residence must meet to hold a certificate of compliance, the standards applicable to such an operation and the conditions that the staff members and volunteers of such a residence and any other person working in such a residence must fulfill, in particular conditions relating to training and security, including conditions relating to judicial records;

WHEREAS the Government made the Regulation respecting the conditions for obtaining a certificate of compliance and the operating standards for a private seniors' residence (chapter S-4.2, r. 5.01);

WHEREAS section 14 of the Regulation provides that the operator of a private seniors' residence must make a call-for-help system available to each resident, enabling the resident to obtain, quickly and at all times, assistance from a staff member responsible for emergency calls. The person must be physically present in the residence and ensure access inside the residence by the emergency services, if applicable;

WHEREAS, under section 24 of the Regulation, the staff members of a private seniors' residence and the volunteers working in the residence must not be charged with or have been convicted of an indictable or other offence related to the abilities and conduct required to work in the residence, unless, in the case of a conviction, a pardon has been obtained;

WHEREAS the first paragraph of section 25 of the Regulation provides that every person wishing to join the staff of a private seniors' residence or to work there as a volunteer must, before beginning work, provide the operator with a declaration concerning any charge or conviction referred to in section 24 unless, in the case of a conviction, a pardon has been obtained;

WHEREAS under the last paragraph of section 25 of the Regulation, the operator must have the accuracy of the declaration referred to in the first paragraph verified by a police force before the staff member or volunteer begins work;

WHEREAS the first paragraph of section 30 of the Regulation provides that, subject to any other legislative or regulatory provision requiring the presence of a larger number of persons in a residence, at least 1 staff member of full age must be present, at all times, in a residence offering services for independent elderly persons that has fewer than 200 rooms or apartments, in order to provide supervision. If the residence has 200 or more rooms or apartments, the minimum number of persons is 2;

WHEREAS section 83 of the Regulation provides that the operator of a private seniors' residence referred to in sections 5 and 6 of the Regulation has until 31 December 2013, and the operator of any other private seniors' residence has until 30 June 2014, to obtain from the staff members and volunteers working at the residence before 30 June 2013 the declaration referred to in section 25 and to have it verified by a police force in accordance with that section if it mentions a judicial record;

WHEREAS section 84 of the Regulation provides that section 14 has effect only from 1 June 2014 with respect to an operator of a private seniors' residence whose services are intended for independent elderly persons and having fewer than 50 rooms or apartments and from 30 November 2013 with respect to any other operator of a private seniors' residence whose services are intended for independent elderly persons;

WHEREAS section 85 of the Regulation provides that the first paragraph of section 30 has effect only from 1 June 2014 with respect to an operator of a private seniors' residence whose services are intended for independent elderly persons and having fewer than 50 rooms or apartments. Until that date, the operator must implement

measures ensuring that a person may be contacted at all times to ensure an immediate intervention in the event of an emergency. The measures must be approved by the operator's board of directors, if applicable;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with section 11 of the Regulations Act (chapter R-18.1), no proposed regulation may be made or submitted for approval before the expiry of 45 days from its publication in the *Gazette officielle du Québec*, or before the expiry of the period indicated in the notice accompanying it or in the Act under which the proposed regulation may be made or approved, where the notice or the Act provides for a longer period;

WHEREAS, under section 12 of that Act, a proposed regulation may be made without having been published if the authority making or approving it is of the opinion that the urgency of the situation requires it;

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

WHEREAS, under section 17 of that Act, a regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in the regulation or in the Act under which it is made or approved;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under the second paragraph of section 18 of that Act, the reason justifying such coming into force must be published with the regulation;

WHEREAS, in the opinion of the Government, the urgency due to the following circumstances warrants the making of the Regulation to amend the Regulation respecting the conditions for obtaining a certificate of compliance and the operating standards for a private seniors' residence and its coming into force on the date of its publication:

—delays provided for in the transitional provisions of section 83 of the Regulation are expired or are about to expire;

—the Minister of Health and Social Services and the Minister of Public Security concluded, under section 346.0.20.5 of the Act respecting health services and social services, a framework agreement prescribing the procedures of verification by a police force of judicial records of staff members and volunteers working at a private seniors' residence;

—an additional delay is necessary to implement the agreement and to allow operators of private seniors' residences to make the verifications required by section 25 of the Regulation;

—the transitional measures provided for in sections 84 and 85 have expired and sections 14 and 30 of the Regulation are now in force for all operators of residences;

—an additional delay is required to allow certain operators to comply with the provisions of section 14 and the first paragraph of section 30 of the Regulation, and to establish a permanent regulatory solution for the difficulties certain operators had concerning the application of the obligations;

—it is urgent that the proposed amendments to the Regulation respecting the conditions for obtaining a certificate of compliance and the operating standards for a private seniors' residence come into force as soon as possible to limit as much as possible the period during which private seniors' residences will be in an unlawful situation;

WHEREAS it is expedient to make the Regulation, which comes into force on the date of its publication in the *Gazette officielle du Québec*;

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

THAT the Regulation to amend the Regulation respecting the conditions for obtaining a certificate of compliance and the operating standards for a private seniors' residence, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the conditions for obtaining a certificate of compliance and the operating standards for a private seniors' residence

An Act respecting health services and social services (chapter S-4.2, ss. 346.0.6 and 346.0.7)

1. The Regulation respecting the conditions for obtaining a certificate of compliance and the operating standards for a private seniors' residence (chapter S-4.2, r. 5.01) is amended by replacing section 83 by the following:

“**83.** The operator of a private seniors' residence has until 1 April 2015 to obtain from the staff members and volunteers working at the residence the declaration and consents referred to in section 25 and to have the declaration verified by a police force in accordance with that section if it mentions a judicial record.”

2. Section 84 is amended by replacing “from 1 June 2014” by “from the date of coming into force of a regulation to amend the Regulation respecting the conditions for obtaining a certificate of compliance and the operating standards for a private seniors’ residence, in particular to amend this section again or to strike it out, or not later than 31 October 2015”.

3. Section 85 is amended by replacing “from 1 June 2014” by “from the date of coming into force of a regulation to amend the Regulation respecting the conditions for obtaining a certificate of compliance and the operating standards for a private seniors’ residence, in particular to amend this section again or to strike it out, or not later than 31 October 2015”.

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

3406

Gouvernement du Québec

O.C. 637-2014, 26 June 2014

An Act respecting the Ministère des Transports (chapter M-28)

Ministère des Transports — Authorizing the signing by a functionary of certain deeds, documents and writings — Amendment

Regulation to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports

WHEREAS the first paragraph of section 7 of the Act respecting the Ministère des Transports (chapter M-28) provides that no deed, document or writing must bind the department or be attributed to the Minister unless signed by the Minister, the Deputy Minister or a functionary but, in the case of such functionary, only to the extent determined by regulation of the Government published in the *Gazette officielle du Québec*;

WHEREAS it is expedient to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports (chapter M-28, r. 5);

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

THAT the Regulation to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports

An Act respecting the Ministère des Transports (chapter M-28, s. 7, 1st par.)

1. The Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports (chapter M-28, r. 5) is amended in section 1.0.2

(1) by replacing “Direction des projets routiers et de transport collectif” in the definition of “director” in paragraph 1 by “Direction des projets de transport collectif et de la planification métropolitaine, the Direction des projets routiers stratégiques”;

(2) by inserting, in alphabetical order, the following definitions in paragraph 1:

““director general”: a person who manages an administrative unit whose name begins with “Direction générale”, except the administrative unit whose name begins with “Direction générale adjointe”; (*directeur général*);

“assistant director general”: a person who manages an administrative unit whose name begins with “Direction générale adjointe”; (*directeur général adjoint*);

(3) by replacing “et de transport collectif” in paragraph 2 by “stratégiques”.

2. Section 2 is amended

(1) by replacing “and any person who manages an administrative unit whose name begins with “Direction générale”, except the administrative unit whose name begins with “Direction générale adjointe”” in the part preceding subparagraph 1 of the first paragraph by “, a director general and the Assistant Director General of the Direction générale adjointe à la coordination des ressources”;