

Gouvernement du Québec

O.C. 1167-2019, 27 November 2019

An Act respecting health services and social services for Cree Native persons (chapter S-5)

Regulation respecting the application — Amendment

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

Contribution of users taken in charge by intermediate resources

CONCERNING the Regulation to amend the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons and the Regulation respecting the contribution of users taken in charge by intermediate resources

WHEREAS, under section 512 of the Act respecting health services and social services (chapter S-4.2), the Government shall determine, by regulation, the contribution that may be required of a user lodged in a facility maintained by a public or private institution under agreement, or taken in charge by an intermediate resource of a public institution or by a family-type resource, as well as the amount of personal expense allowance which must be left at the disposal of the user each month;

WHEREAS, under the first paragraph of section 513 of that Act, the amount of the contribution may vary according to the circumstances or needs identified by regulation;

WHEREAS, under section 514 of that Act, the Minister or an institution designated by regulation may, at the request of a person of whom payment of a contribution is required, exempt such person from paying the contribution, in accordance with the terms and conditions and in the circumstances determined by regulation;

WHEREAS, under subparagraph (1) of section 515 of that Act, the Government may, in a regulation made under sections 512 to 514, prescribe the automatic indexing of all or part of the amounts fixed in the regulation, according to the index provided therein;

WHEREAS, under section 161 of the Act respecting health services and social services for Cree Native persons (chapter S-5), the Government shall determine, by regulation, the conditions and cases in which the Minister may pay an expense allowance to a beneficiary sheltered in an institution or pay that expense allowance in the name of a beneficiary to the institution where he is sheltered and also fix the amount of that allowance;

WHEREAS, under the first paragraph of section 174 of that Act, every regulation made by the Government under this Act comes into force on the day of the publication in the *Gazette officielle du Québec* of a notice indicating that it has received the approval of the Government, or, if amended by it, of its final text, or on any other later date fixed in the notice or in the final text;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act, (chapter R-18.1) and the third paragraph of section 173 of the Act respecting health services and social services for Cree Native persons, a draft of the Regulation to amend the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons and the Regulation respecting the contribution of users taken in charge by intermediate resources was published in Part 2 of the *Gazette officielle du Québec* dated 21 August 2019, with notice that it may be made by the Government on the expiry of the 60-day period following that publication;

WHEREAS it is expedient to make that Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons and the Regulation respecting the contribution of users taken in charge by intermediate resources, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons and the Regulation respecting the contribution of users taken in charge by intermediate resources

An Act respecting health services and social services for Cree Native persons (chapter S-5, ss. 161 and 173)

An Act respecting health services and social services (chapter S-4.2, ss. 512, 513, 1st para., 514 and 515)

1. Section 375 of the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons (chapter S-5, r. 1) is amended:

(1) by replacing, in subparagraph *b* of the first paragraph “\$215” with “\$245”;

(2) by adding, at the end of the second paragraph, the following sentence: “The amount so indexed is rounded off to the nearest dollar.”.

2. The Regulation respecting the contribution of users taken in charge by intermediate resources (chapter S-4.2, r. 7) is amended by inserting, in its title, and after “charge”, “by family-type resources or”.

3. The Regulation is amended by inserting, before section 1, the following:

**“CHAPTER I
GENERAL PROVISION”.**

4. The Regulation is amended by inserting, after section 1, the following:

**“CHAPTER II
USERS OF FULL AGE TAKEN IN CHARGE
BY FAMILY-TYPE RESOURCES**

1.1 Where a user of full age taken in charge by a family-type resource has not reached the age of eligibility for the full pension under the Old Age Security Act (S.R.C. (1985), c. O-9), his monthly contribution is equal to the basic benefit, the adjustments and allowances for an independent adult applicable to him under the Individual and Family Assistance Act (chapter A-13.1.1), minus the personal expense allowance referred to in subparagraph *b* of the first paragraph of section 375 of the Regulation.

If this user is not receiving any benefit under the Individual and Family Assistance Act, the benefit amount used for the calculation of the contribution referred to in the first paragraph corresponds to the basic benefit amount applicable to an independent adult under the Social Solidarity Program established by that Act, adjusted in accordance with section 157.1 of the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1).

1.2 Where a user of full age taken in charge by a family-type resource has reached the age of eligibility for the full pension under the Old Age Security Act (S.R.C. (1985), c. O-9), his monthly contribution is equal to the Old Age Security pension and the maximum guaranteed income supplement payable under that Act, minus the personal expense allowance referred to in subparagraph *b* of the first paragraph of section 375 of the Regulation. However, the monthly contribution may not exceed \$963.

Notwithstanding the first paragraph, the contribution of a user of full age is determined in accordance with section 1.1 where this user, although he has reached the age of eligibility for the full pension under the Old Age Security Act, is ineligible for a pension under that Act.

The maximum monthly contribution referred to in the first paragraph is indexed, on 1 January of each year, on the basis of the Pension Index established in accordance with section 117 of the Act respecting the Québec Pension Plan (chapter R-9). The amount so indexed is rounded off to the closest dollar.

1.3 Where the period of taking charge of a user of full age is less than 30 days within a given month, the monthly contribution is prorated to the number of days of presence. For the application of this section, each month is considered to comprise 30 days.

The initial day of taking charge of the user is considered a day of presence, but the day of the user’s departure is not counted. The user’s days of temporary leave are counted in the days of presence.

**CHAPTER III
USERS TAKEN IN CHARGE BY
INTERMEDIATE RESOURCES”.**

5. Section 2 of the Regulation is amended:

(1) by replacing, in the first paragraph, “Regulation” with “chapter”;

(2) by deleting the second paragraph.

6. The Regulation is amended by replacing section 4 with the following section:

“4. The provisions of chapter II apply, with the necessary modifications and subject to the special rules prescribed by this chapter, to determine the amount of the contribution exigible from a user of full age taken in charge by an intermediate resource in the following cases:

(1) the user receives benefits under a last resort financial assistance program provided for in the Individual and Family Assistance Act (chapter A-13.1.1);

(2) the intervention plan of the user provides for the reintegration of the user into his natural environment within 2 years of his taking in charge by the intermediate resource;

(3) the user is taken in charge by an intermediate resource referred to in section 1 of the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (chapter R-24.0.2).

Notwithstanding subparagraph (2) of the first paragraph, the amount of the contribution exigible from a user of full age is determined in accordance with section 5 from first day of the month following the moment the user is taken in charge by an intermediate resource on a continuous basis for 2 years or more.”.

7. Section 5 of the Regulation is replaced with the following section:

“5. The provisions of sections 361 to 370 and 373 to 375 of the Regulation apply, with the necessary modifications and subject to the special rules prescribed by this chapter, to determine the amount of the contribution exigible from a user of full age not referred to in the first paragraph of section 4.

The daily sum applicable for the purposes of the monthly billing referred to in section 361 of the Regulation is \$42.08. That amount is indexed at the beginning of each year on 1 January on the basis of the Pension Index established in accordance with section 117 of the Act respecting the Québec Pension Plan (chapter R-9).”.

8. Section 6 of the Regulation is amended by replacing “For the purposes of this Regulation” with “For the purposes of this chapter”.

9. Section 8 of the Regulation is repealed.

10. Section 9 of the Regulation is amended by deleting “and designated for that purpose by the agency responsible for recognizing the intermediate resource”.

11. Section 10 of the Regulation is repealed.

12. On 1 January 2020, the personal expense allowance referred to in subparagraph *b* of the first paragraph of section 375 of the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons (chapter S-5, r. 1) is to be increased by \$10 over the increase resulting from the indexation and rounding off provided for in the second paragraph of this section.

13. This Regulation comes into force on 1 January 2020, except for sections 1 and 12 which come into force on the fifteenth day following the date of publication of this Regulation in the *Gazette officielle du Québec*.

Gouvernement du Québec

O.C. 1186-2019, 27 November 2019

Code of Penal Procedure
(chapter C-25.1)

Court of Appeal of Québec in penal matters

Regulation of the Court of Appeal of Québec in penal matters

WHEREAS, under the first paragraph of article 368 of the Code of Penal Procedure (chapter C-25.1), the judges of the Court of Appeal may adopt, for the exercise of their respective jurisdictions, the regulations judged necessary for the proper carrying out of the Code;

WHEREAS, under the second paragraph of article 368 of the Code, the regulations of the Court of Appeal must be adopted by a majority of the judges concerned, either at a meeting convened for the purpose by the chief justice or upon consultation held with the judges at the request of the chief justice using the most appropriate means of consultation, as determined by the chief justice;

WHEREAS, under the third paragraph of article 368 of the Code, the regulations are subject to approval by the Government and come into force fifteen days after their date of publication in the *Gazette officielle du Québec*.

WHEREAS the judges of the Court of Appeal adopted the Regulation of the Court of Appeal of Québec in penal matters on 9 October 2019;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation of the Court of Appeal of Québec in penal matters, attached to this Order in Council, be approved.

YVES OUELLET,
Clerk of the Conseil exécutif
