

Draft Regulations

Draft Regulation

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

Act to increase the supply of primary care services and to improve the management of that supply (2022, chapter 16)

Health services and social services that may be provided and activities that may be conducted from a distance

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting health services and social services that may be provided and activities that may be conducted from a distance, appearing below, may be made by the Minister of Health and Social Services on the expiry of 45 days following this publication.

The draft Regulation determines the cases in which and conditions under which health services and social services provided by health and social services institutions, as well as insured services within the meaning of the Health Insurance Act (chapter A-29) provided by professionals working or practising in specialized medical centres and private health facilities, may be provided from a distance. It does the same with regard to activities organized by health and social services institutions.

The draft Regulation regulates the provision from a distance of health services and social services, in particular to ensure the quality of those services for the benefit of the patients concerned. It imposes additional obligations on health and social services institutions, as well as on health professionals working or practising in specialized medical centres and private health facilities who offer insured services within the meaning of the Health Insurance Act.

Further information on the draft Regulation may be obtained by contacting Lucie Poitras, Assistant Director General, Direction générale adjointe des services hospitaliers, du médicament et de la pertinence clinique, Ministère de la Santé et des Services sociaux, 2021, avenue Union, Montréal (Québec) H3A 2S9; telephone: 514 873-3010; email: lucie.poitras@msss.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

CHRISTIAN DUBÉ
Minister of Health and Social Services

Regulation respecting health services and social services that may be provided and activities that may be conducted from a distance

Act respecting health services and social services (chapter S-4.2, s. 453.2)

Act to increase the supply of primary care services and to improve the management of that supply (2022, chapter 16)

DIVISION I CASES IN WHICH SERVICES MAY BE PROVIDED OR ACTIVITIES MAY BE ORGANIZED FROM A DISTANCE

1. The services referred to in sections 105.0.1, 333.4.2 and 338.2 of the Act respecting health services and social services (chapter S-4.2), enacted respectively by sections 23, 26 and 27 of the Act to increase the supply of primary care services and to improve the management of that supply (2022, chapter 16), provided they require no in-person physical examination, may, in accordance with Division II, be provided from a distance by a health or social services professional referred to in any of the following paragraphs, in the cases provided for therein:

(1) by a professional who becomes a person's attending professional with a view to taking charge of the person, provided the services are not provided by telephone and an in-person visit is scheduled within the following 3 months;

(2) by a person's attending professional;

(3) if the condition does not require that a person be taken in charge again, by a professional practising in the same place of practice as the person's attending professional or in another place of practice operated by an institution or by the operator of a specialized medical

centre or a private health facility, with whom the attending professional has agreed to the implementation of a service corridor;

(4) by any professional, where the service is provided by another professional following a request for consultation;

2. The services referred to in section 105.0.1 of the Act respecting health services and social services may be provided from a distance by a person other than a professional referred to in section 1 acting in support of such a professional or for the purposes of a clinical plan determined by such a professional.

3. The activities referred to in section 105.0.1 of the Act respecting health services and social services may be conducted from a distance, in the case of research, training, assistance or supervision activities organized by an institution.

DIVISION II CONDITIONS UNDER WHICH SERVICES MAY BE PROVIDED OR ACTIVITIES MAY BE ORGANIZED

§1. Place

4. A person who provides a service from a distance under section 1 or 2, and a person receiving such a service, must be in Québec at the time the service is provided.

Similarly, only persons who are in Québec may participate in an activity conducted from a distance.

This section does not prevent the provision from a distance of services from outside Québec by a professional in the field of health within the meaning of the Health Insurance Act (chapter A-29) who is the attending professional of an insured person within the meaning of that Act whose usual place of follow-up is situated in another Canadian province or territory.

5. For the purposes of the Act respecting health services and social services, and for the purposes of the user's record or the record kept by a professional, as the case may be, services provided and activities conducted from a distance are considered to have been provided or conducted in the place of practice of the professional who provided the service or in whose support the service was provided.

When that person works or practises in more than one place, services are deemed to have been provided in the place where the person would have provided those services in the presence of the other person.

§2. Consent

6. Services may be provided from a distance only if the person receiving them has given prior consent. The same applies to activities that may be conducted from a distance.

Before consent is requested from the person concerned, the person must be informed of the following:

(1) the inherent limits of providing services or participating in an activity from a distance;

(2) the means that can be used to communicate and their potential risks with regard to the confidentiality of personal information;

(3) if applicable:

(a) the place where the person can obtain in-person follow-up;

(b) the fact that communications are recorded.

Despite the first paragraph, consent is not required in case of emergency if the life of the person is in danger or the person's integrity is threatened and the person's consent cannot be obtained in due time.

§3. Follow-up and services corridors

7. A service may be provided from a distance by a professional practising in a specialized medical centre or a private health facility only if in-person follow-up can be provided to the person receiving the service, as the case may be,

(1) by the professional concerned;

(2) by other professionals practising in the same place of practice as the professional concerned;

(3) by a professional practising in a place of practice whose operator has agreed, by agreement, to the implementation of a service corridor with the professional concerned, allowing in-person follow-up.

§4. Contingency plan

8. A service or activity referred to in section 105.0.1 of the Act respecting health services and social services may be provided or conducted from a distance, as the case may be, only if a contingency plan in case of problems with the technologies used to provide services or conduct activities has been developed by the institution concerned.

The same applies to a service provided from a distance by a professional practising in a specialized medical centre or a private health facility. In that case, a joint plan may be used by all professionals practising in the same place of practice or in any place of practice operated by the same person or partnership.

DIVISION III

FINAL

9. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

105987

Notice

Act respecting the preservation of agricultural land and agricultural activities
(chapter P-41.1)

Application of the Act —Amendment

Notice is hereby given that the Commission de protection du territoire agricole du Québec adopted, at its sitting of 22 August 2022, the Regulation to amend the Preservation of Agricultural Land and Agricultural Activities Regulation appearing below.

The Regulation harmonizes the Preservation of Agricultural Land and Agricultural Activities Regulation further to the coming into force of the Act to amend various legislative provisions mainly for the purpose of reducing red tape (2021, chapter 35). More specifically, the amendments concern the procedure for an application for exclusion from an agricultural zone, as well as sections 65, 65.0.1 and 65.1 of the Act respecting the preservation of agricultural land and agricultural activities.

In accordance with sections 10 and 11 of the Regulations Act (CQLR, chapter R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 6 July 2022 with a notice that it could be adopted by the commission on the expiry of 45 days following that publication.

STÉPHANE LABRIE
*President, Commission de protection
du territoire agricole du Québec*

Regulation to amend the Preservation of Agricultural Land and Agricultural Activities Regulation

Act respecting the preservation of agricultural land and agricultural activities
(chapter P-41.1, s. 19.1, pars. 2 and 3)

1. The Preservation of Agricultural Land and Agricultural Activities Regulation (chapter P41.1, r. 1) is amended in section 1

(1) by replacing subparagraph 1 of paragraph B by the following:

“(1) the opinion of an authorized municipal officer with respect to the compliance of the application with the municipal zoning by-law and with any interim control measures;”;

(2) by inserting the following in paragraph B:

“(3.1) a resolution, giving reasons and taking into consideration the criteria set out in section 62 of the Act, in the provisions of the zoning by-law or in the interim control measures, if any. In addition, if the application concerns a new use for purposes other than agriculture, the resolution must include a description of any appropriate available areas elsewhere in the territory of the local municipality, outside the agricultural zone, that could meet the applicant’s needs.”.

2. Section 3 is amended

(1) by striking out “the local municipality or of” in paragraph 1;

(2) by replacing “local municipality” in paragraph 7 by “regional county municipality concerned”;

(3) by adding the following at the end:

“(13) where more than one area is identified in respect of the same project for the purposes of the application for exclusion, an indication to that effect, including the lot numbers.”.

3. Paragraphs 4 and 5 of section 3.1 are revoked.

4. Section 3.2 is replaced by the following:

“**3.2.** Any local municipality concerned by the application for exclusion must send the following documents and information to the Commission: