

section 77 of the Act respecting health and social services information (chapter R-22.1) and the notice provided for in subparagraph *c* of that subparagraph must be sent to the third person by the person or group.

14. A body must keep proof of any destruction of information.

CHAPTER III MAINTENANCE AND EVALUATION OF TECHNOLOGICAL PRODUCTS OR SERVICES

15. A body must take the necessary measures to avoid or mitigate any potential impact on the exercise of its functions or the carrying on of its activities due to the fact that a technological product it uses no longer complies with its intended use or a technological service it uses is no longer provided.

To that end, the body must, in particular, keep a calendar of the known or expected dates on which such products or services are to be terminated for the purpose of analyzing, in a timely manner, the relevance of maintaining or replacing them.

16. A body must designate, from among the members of its personnel and the professionals practising their profession within the body, a person in charge of ensuring the application of the standards applicable to the technological products or services the body uses, in particular the special rules defined by the network information officer under section 97 of the Act respecting health and social services information (chapter R-22.1).

That person is also in charge of supervising the implementation and maintenance of the security measures for ensuring the protection of the information contained in those products or services.

17. At least once every other year, a body must ensure that the products or services it uses undergo an evaluation pertaining to the standards referred to in the first paragraph of section 16 of this Regulation.

However, such an evaluation must be conducted every time a special rule referred to in that paragraph and pertaining to such a product or service is modified.

CHAPTER IV FINAL

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

106729

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
(SQ 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 on the expiry of 45 days following this publication.

The draft Regulation determines the 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 Elizabeth Arpin, 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: 514 831-6665; email: elizabeth.arpin@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, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

CHRISTIAN DUBÉ
Minister of Health

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)

1. A health service or a social service provided by an institution, as well as a service insured under the plan instituted by the Health Insurance Act (chapter A-29) provided by a health professional, within the meaning of the Act, practising in a specialized medical centre referred to in subparagraph 1 of the first paragraph of section 333.3 of the Act respecting health services and social services (chapter S-4.2) or in a private health facility may be provided from a distance only if the following conditions are met:

(1) the person receiving the service has consented to the service being provided from a distance;

(2) the service does not require the person providing the service and the person receiving it to be present in person with one another, namely because it involves an examination or support that cannot be provided from a distance;

(3) a contingency plan has been developed in case of problems with the technologies used to provide the service;

(4) an in-person follow-up can be offered to the service user.

An activity organized by an institution can also be conducted from a distance. The conditions provided for in subparagraphs 1 to 3 of the first paragraph apply, with the necessary modifications.

2. Before requesting the consent required under subparagraph 1 of the first paragraph of section 1 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.

3. Despite subparagraph 1 of the first paragraph of section 1, consent is not required 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.

4. The contingency plan referred to in subparagraph 3 of the first paragraph of section 1 may be a joint plan for all professionals practising in the same place of practice or in any place of practice operated by the same person or partnership.

5. The in-person follow-up referred to in subparagraph 4 of the first paragraph of section 1 in the case of a service provided by a health professional, within the meaning of the Health Insurance Act, practising in a specialized medical centre or a private health facility, must be provided by one of the following professionals:

(1) the professional concerned;

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

(3) 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.

6. In addition to the conditions provided for in section 1, where a service provided from a distance requires the establishment of a therapeutic relationship between a professional and the person receiving the service involving long-term follow-up of all aspects of the person's health, the professional must plan a subsequent in-person follow-up visit with the person.

7. 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, the services provided from a distance are deemed to have been provided in the place of practice of the professional who provided the service or in whose support the service was provided. In the case of professionals having more than one place of practice, the services are deemed to have been provided in the place where they would have been provided in person.

For the same purposes, activities conducted from a distance are deemed to have been conducted in the facility where they would have been conducted in person.

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

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