SECTION 10

Health and Social Services

10.1 For the purposes of the present section, the following words and phrases shall be defined as follows :

" Act " means An Act respecting health services and social services (R.S.Q., ch. S-4.2), as amended from time to time;

" board of directors " or " board " means the board of directors of the Institution;

" Department " means the Québec ministry charged with responsibility with respect to health and social services;

" health services " and " social services " have the same meaning that they have in the Act;

" local commissioner " and " regional commissioner " have the same meaning as in the Act;

" Naskapi Nation " means the corporation constituted by Section 14.(1) of the Cree-Naskapi (of Quebec) Act (R.S.C., c. C-45.7), the official name of which is, in English, " Naskapi Nation of Kawawachikamach ";

" Institution " means the CLSC Naskapi established by Letters Patent issued on 15 February, 2001, under the Act, whose head office is situated inn the territory constituted by the Category IA-N lands of which the administration, management and control were transferred by Order in Council No. 92-92 of 29 January 1992 for the exclusive use and benefit of the Naskapi Band of Quebec, now called the Naskapi Nation of Kawawachikamach;

" Naskapi elector " means a Naskapi who is eighteen years of age or older and not declared mentally incapable under the laws of Québec;

" Regional Board " means the Régie régionale de la santé et des services sociaux de la Côte-Nord or its successor.

NQA, s. 10.1
Compl. A. no. 2, s. 1

10.2 The laws of general application respecting health and social services shall apply to Naskapis residing in the Territory. Nevertheless, when such laws are inconsistent with the provisions of this section, the provisions of the present section shall prevail.

NQA, s. 10.2
Compl. A. no. 2, s. 1

10.3 Québec shall, with the appropriate resources, be responsible for the delivery to the Naskapis of Québec residing in the Territory of the full range of health and social services in accordance with the provisions of this section and according to the needs of the Naskapis residing in the Territory. Such services include those services which are not normally offered to the general population of Québec, but which Canada offered to the Naskapis on January 31, 1978.

NQA, s. 10.3
Compl. A. no. 2, s. 1

10.4 The provisions of the Act shall apply in respect of the Institution subject to the special provisions contained in Schedule 4 annexed hereto. The Institution may in the future, following the issuance of supplementary letters patent, operate a residential and long-term care centre and a rehabilitation centre as well as some complementary activities forming part of the mission of a child and youth protection centre.

NQA, s. 10.4
Compl. A. no. 2, s. 1

10.5 The number of Naskapis residing in the Territory, health indicators and socio-economic indicators relating to the Nakaspis residing in the Territory shall be determining factors in evaluating the needs of the Naskapis residing in the Territory in matters of health and social services and in determining the terms and conditions upon which these services shall be delivered.

NQA, s. 10.5
Compl. A. no. 2, s. 1

10.6 The actual costs for the 2000-2001 fiscal year, in as much as they represent the full range of health and social services offered by the Centre de santé de l'Hématite to the Naskapis of Québec, and the costs relating to the start-up and operation of a new Institution shall be used for the establishment of the initial budget of the Institution. The budget of the Institution shall be modified in accordance with demographic changes in the Naskapi community, the cost of services specified in Schedule 1 and the evolution of Québec programs offered to the general population.

The budget of the Institution shall also include funds to ensure the delivery of services which are not normally offered to the general population of Québec, but which Canada offered on January 31, 1978 to the Naskapis, such services being described in paragraph 2 of Schedule 1 hereto.

NQA, s. 10.6
Compl. A. no. 2, s. 1

10.7 At the beginning of each fiscal year, the institution operating a child and youth protection centre providing services to the Naskapis residing in the Territory shall inform the Institution of the funds budgeted which may be used for the social services to be delivered in conformity with this section.

The budget for such services offered to the Naskapis residing in the Territory shall be a protected budget within the global budget allocated to the institution contemplated in the first paragraph, in that it cannot be spent for purposes other than those for which it was provided.

NQA, s. 10.7
Compl. A. no. 2, s. 1

10.8 Québec undertakes to progressively encourage the training of Naskapi personnel for health and social services delivered on Category IA-N lands.

The on-the-job training, that is the responsibility of the Institution, includes the integration of employees into the workplace and upgrading. Upgrading is defined as the provision of the supplementary theoretical

and practical training required to permit an employee to adapt to practices within the field of health and social services.

NQA, s. 10.8
Compl. A. no. 2, s. 1

10.9 The list of services described in paragraph 1 of Schedule 1, the objectives of the community and public health services listed in Schedule 2 and the description of first and second-line health and social services in Schedule 3 shall be reviewed by the board every five (5) years. The recommendation of the board in that regard, which must be supported by a unanimous vote of the directors of the board of directors, shall be forwarded to the Naskapi Nation and the Department, which may by mutual consent update or modify one or more of the said Schedules.

NQA, s. 10.9
Compl. A. no. 2, s. 1

10.10 The provisions of this section can be amended only with the consent of Québec and the Naskapi Nation.

Legislation enacted to give effect to the provisions of this section may be amended from time to time by l'Assemblée nationale.

NQA, s. 10.10
Compl. A. no. 2, s. 1

10.11 *(Replaced).*

NQA, s. 10.11
Compl. A. no. 2, s. 1

10.12 *(Replaced).*

NQA, s. 10.12
Compl. A. no. 2, s. 1

10.13 *(Replaced).*

NQA, s. 10.13
Compl. A. no. 2, s. 1

10.14 *(Replaced).*

NQA, s. 10.14
Compl. A. no. 2, s. 1

10.15 *(Replaced).*

NQA, s. 10.15
Compl. A. no. 2, s. 1

10.16 *(Replaced).*

NQA, s. 10.16
Compl. A. no. 2, s. 1

10.17 *(Replaced).*

NQA, s. 10.17
Compl. A. no. 2, s. 1

10.18 *(Replaced).*

NQA, s. 10.18
Compl. A. no. 2, s. 1

10.19 *(Replaced).*

NQA, s. 10.19
Compl. A. no. 2, s. 1

10.20 *(Replaced).*

NQA, s. 10.20
Compl. A. no. 2, s. 1

10.21 *(Replaced).*

NQA, s. 10.21
Compl. A. no. 2, s. 1

Annex 1

Nature of Services	Responsible Department or Facility
1. Public health and community services the main objectives of which are set forth in Schedule 2	Department of National Health and Welfare (Canada)
1.1 maternal and child health	
1.2 school health	
1.3 infectious diseases control	
1.4 dental health	
1.5 mental health	
1.6 chronic diseases and geriatrics	

1.7 alcohol and drug abuse	
1.8 nutrition	
1.9 health education	
1.10 accident prevention	
2. Other Services *	
2.1 dental care for non-insured services	Department of National Health and Welfare (Canada)
2.2 drugs and medical supplies	
2.3 hospitalization for non-insured services	
2.4 prosthetics (including glasses and dentures) for non-insured services	
2.5 escort and patient transportation on approval of the physician or the nurse	
2.6 custodial and institutional care (medical cases not covered by the government of Quebec)	
2.7 clothing for long term patients in hospitals or foster homes	
3. Treatment Services	
3.1 obstetrical clinic	
3.2 all other hospital services normally covered by Quebec Hospital Insurance	Schefferville Hospital
3.3 medical services covered by the Régie de l'Assurance-maladie du Québec (R.A.M.Q.)	Hospital Center outpatient departments and physicians' private consulting offices
4. Social Services	

4.1 First line: - utilitary social services - auxiliary social services - restorative social services	The Department of Indian Affairs and Northern Development and the Social Service Center concerned
4.2 second line: - specialized services	

* According to the criteria of Canada, which are as follows:

the patient or applicant must be listed on a register for an Indian Reserve, which list has been approved by the Registrar of Indian Affairs in Ottawa.

the patient or applicant must be considered indigent, that is, he must be judged to be reasonably incapable, after an evaluation, of being able to afford to pay for the required services without the financial assistance sought, or so isolated that the costs of transportation associated with procuring necessary treatment would place such care beyond normal economic means.

in such a case, the services shall be offered completely without charge or partially without charge, according to the extent of indigency of the patient or of the applicant.

for the costs to be incurred, the patient or the applicant cannot be considered an indigent as hereinabove defined if the costs can be recovered from an agency of Québec, the Department of Veterans Affairs, the Workmen's Compensation Board, an insurance or otherwise.

when the patient or applicant has established residence away from a Reserve (within the meaning of the Indian Act) for a period long enough to qualify him for assistance from a provincial, municipal or any other organization, he generally ceases to be eligible for assistance to cover Medical Services.

Annex 2

Main objectives of community and public health services listed in Schedule 1

Programs		Main Objectives
1.	Maternal and child health	to improve maternal and child health by reducing maternal morbidity and mortality in the peri-natal period as well as infant morbidity and mortality. To promote and improve the physical and mental state of health of pre-schoolers
2.	School health	to improve and maintain the physical and mental health of the school population
3.	Infectious disease control	to reduce the incidence of infectious diseases
4.	Dental health	to improve the dental health of the Indian population by providing or arranging for the dental services necessary to prevent dental diseases and maintain oral health
5.	Mental health	to promote the mental health of the entire community and of the individuals therein
6.	Chronic diseases and geriatrics	to provide maximal conditions for the chronically ill and the elderly to function to the extent of their autonomy
7.	Alcohol and drug abuse	to stimulate the population's awareness of the problems associated with alcohol and drug abuse
8.	Nutrition	to inform the population of the importance of good nutrition
9.	Health education	to encourage personal hygiene and activities which will improve the population's physical, psychological and social welfare
10.	Accident prevention	to provide general information on accident prevention for the benefit of the entire population

Annex 3

1. For the purposes of the present Agreement, the first line health and social services shall include:

- the daily services of a clinical or public health nurse, who shall not necessarily be hired on a full time basis or be expected to take up permanent residence;

- the regular first line services of a social service agent, to be provided locally, but not necessarily on a full-time basis;

- whenever necessary, the services of a general practitioner.

2. The second line services shall include:

- whenever necessary, the services of a social worker;

- whenever necessary, the services of medical specialists and dentists;

- specialized or nonspecialized hospital services.

Annex 4

Special Provisions applicable to the Institution

1. The Institution shall serve all persons who have the right of access to Category IA-N lands. The Institution may, with the consent of the council of the Naskapi Nation, enter into an agreement with the Regional Board to offer services to a population other than the population the Institution has the mission to serve.

2. The board of directors shall be composed of the following persons, who shall be members of the board as and when they are elected or appointed :

(1) three persons, who are qualified Naskapi electors, elected by and from among the members of the Naskapi Nation. Of the persons elected, at least one shall be a female person, at least one shall be a male person and at least one shall be 50 years of age or over;

(2) a person elected by and from among the persons employed by the Institution;

(3) a member of the council of the Naskapi Nation, appointed by the council of the Naskapi Nation;

(4) a member of the Naskapi Education Committee referred to in section 11.5 of the present Agreement, or its successor, appointed by the Naskapi Education Committee or its successor;

(5) the Executive Director of the Institution.

No Naskapi whose domicile is situated within the limits of the Matimekosh Reserve, as defined in Order-in-Council No. 2718 dated August 21, 1968, may be elected under subparagraph 2.(1).

Notwithstanding the foregoing, the founding members of the board of directors shall be named in the letters patent of the Institution. Before requesting the issuance of said letters patent, the Minister shall ask the council of the Naskapi Nation to recommend the names of suitable candidates. The Minister shall also obtain such a recommendation if the issuance of supplementary letters patent is necessary to replace a member.

3. The rules governing the election and appointment of members referred to in subparagraphs 2.(1), 2.(3) and 2.(4) shall be determined by by-law adopted by the council of the Naskapi Nation and must be submitted to the Regional Board for approval.

The procedure governing the election of persons referred to in subparagraph 2.(2) is determined by a Regional Board by-law.

Elections or appointments shall take place on the date fixed by the Regional Board. Before fixing the date, the Regional Board must consult the council of the Naskapi Nation.

4. Any vacancy on the board of directors shall be filled, for the unexpired portion of the term of office of the member whose seat has become vacant, as follows :

(1) in the case of a member whose office becomes vacant 18 months or less after the election or appointment of the member, the vacancy shall be filled in accordance with the rules governing the election or appointment of the member. The board shall inform the Regional Board of the election or appointment.

(2) in the case of a member shoes seat becomes vacant more than 18 months after the election or appointment of the member, the members of the board of directors remaining in office shall fill the vacancy by resolution. The person thus appointed shall have the qualifications required to be a member of the board of directors in the same capacity as the member replaced. The board of directors shall inform the Regional Board of the appointment.

If the board of directors fails to fill a vacancy within 60 days of its occurrence, the vacancy may be filled by the Regional Board after consultation with the council of the Naskapi Nation.

Any unexplained absence from a number of regular and consecutive sittings of the board of directors determined in the rules of internal management, in the cases and circumstances provided therein, also constitutes a vacancy.

5. In addition to what is provided for in sections 34 and 60 of the Act, the complaint examination procedure enables the user to address a complaint to the Institution regarding the services the user received, ought to have received, is receiving or requires from an institution situated outside of Category IA-N lands.

Where such a complaint is filed, the local commissioner of the institution who receives the complaint must transmit it with diligence to the local commissioner of the institution concerned or, as the case may be, the regional commissioner of the regional board concerned, who shall then examine the complaint and communicate with the local commissioner of the Institution, who shall in turn inform the user with diligence of the action taken following the user’s complaint.

If a complaint concerning an institution situated outside Category IA-N lands is filed directly with the local commissioner of such institution or, as the case may be, the regional commissioner of the regional board concerned, the complaint shall be examined by that local or regional commissioner, who shall inform the local commissioner of the Institution. Any information relating to the follow-up of the complaint shall be communicated to the local commissioner of the Institution, who shall communicate the information to the user with diligence.

6. Where the Regional Board or the Health Services Ombudsman referred to in an Act respecting the Health and Social Services Ombudsman and amending various legislative provisions (S.Q. 2001, ch. 43) examines the complaint of a Naskapi whose domicile is situated on Category IA-N lands, the Regional Board or the Health Services Ombudsman must be assisted by a Naskapi appointed by the Government of Québec on the recommendation of the council of the Naskapi Nation. The Government of Québec shall fix the salary or fees and the other conditions of employment of the latter Naskapi.

Any report transmitted to the Regional Board by the Institution, pursuant to section 76.10 of the Act, must also be transmitted to the council of the Naskapi Nation.

7. Before establishing priorities and orientations for the Institution prescribed by section 171 of the Act or adopting a code of ethics prescribed by section 233, the Institution must seek the advice of the council of the Naskapi Nation.

8. The performance by the Institution of acts described in sections 260, 262, 263, 268 and 271 of the Act and for which an authorization is required is subject to the additional obligation to seek the advice of the council of the Naskapi Nation. The same applies to acts described in subparagraphs (1) to (4) of the first paragraph of section 265.

9. Section 266 of the Act does not apply to the Institution.

10. The Institution must transmit to the council of the Naskapi Nation a copy of all documents or information furnished to the Regional Board pursuant to section 272 of the Act and allow the council to verify the accuracy of the said documents or information.

11. The Institution must, at the request of the council of the Naskapi Nation, supply it with any information concerning the use made of assistance obtained under section 272 of the Act.

12. The Institution must, within the time prescribed by section 278 of the Act, transmit to the council of the Naskapi Nation a copy of the report described in the said section. In addition to the information provided for in section 278, the report must contain any information required by the council of the Naskapi Nation.

13. The Institution must, at the request of the council of the Naskapi Nation, supply it with a copy of statements, statistical data, reports and other information furnished to the Regional Board, pursuant to section 279 of the Act.

14. The Institution must seek the advice of the council of the Naskapi Nation before submitting to the Regional Board, where required, the budget balancing plan referred to in the third paragraph of section 286 of the Act.

15. The Institution must transmit to the council of the Naskapi Nation a copy of any report transmitted to the Regional Board pursuant to section 288 of the Act within the same time.

16. Before appointing an auditor in accordance with section 290 of the Act or, where applicable, filling a vacancy in accordance with section 291 of the board of directors must seek the advice of the council of the Naskapi Nation.

17. A copy of the auditor’s report must be submitted to the council of the Naskapi Nation at the same time as it is submitted to the board of directors under section 294 of the Act.

18. A copy of the annual financial report of the Institution prepared in accordance with section 295 of the Act must be transmitted to the council of the Naskapi Nation, within the time provided for in the said section. The Institution must also furnish to the council of the Naskapi Nation any information it requires in respect of the report.

19. The Institution must seek the advice of the council of the Naskapi Nation before requesting the authorization provided for in the second paragraph of section 296 of the Act.

20. Any information concerning the financial position of the Institution must be furnished to the council of the Naskapi Nation at the same time as it is furnished pursuant to section 297 of the Act.

21. The constituting instrument of the Institution may not be granted, amended, revoked, abandoned or cancelled without the consent of the council of the Naskapi Nation and in conformity with the Act.

22. The Institution may not be amalgamated without the consent of the council of the Naskapi Nation.

23. The institution may not, without the consent of the council of the Naskapi Nation, integrate the whole of its property, rights and obligations with those of another institution.

24. Where a community organization carries on activities on Category IA-N lands, the report of activities and the financial statement provided for in section 338 of the Act must be transmitted within the same time to the council of the Naskapi Nation.

Compl. A. no. 2, s. 2 (sch. 4)