

1991, chapter 39

**AN ACT TO AMEND THE ACT RESPECTING
HEALTH SERVICES AND SOCIAL SERVICES WITH
RESPECT TO THE CORPORATION D'URGENCES-SANTÉ
DE LA RÉGION DE MONTRÉAL MÉTROPOLITAIN**

Bill 156

Introduced by Mr Marc-Yvan Côté, Minister of Health and Social Services

Introduced 17 June 1991

Passage in principle 19 June 1991

Passage 19 June 1991

Assented to 20 June 1991

Coming into force: 20 June 1991

Act amended:

Act respecting health services and social services (R.S.Q., chapter S-5)



CHAPTER 39

An Act to amend the Act respecting health services and social services with respect to the Corporation d'urgences-santé de la région de Montréal Métropolitain

[Assented to 20 June 1991]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. S-5,
ss. 149.25.1
to
149.25.11,
added

1. The Act respecting health services and social services (R.S.Q., chapter S-5) is amended by inserting, after section 149.25, the following sections:

Inspection

“149.25.1 A person authorized in writing by the Minister to make an inspection may, to ascertain whether this Act, its statutory instruments or any regulation applicable to the Corporation made under the Public Health Protection Act are being complied with,

(1) enter, at any reasonable time, premises occupied by the Corporation;

(2) examine and make a copy of any document relating to the activities carried on by the Corporation;

(3) demand any information relating to such activities and the production of any document connected therewith.

Examination
of docu-
ments

Every person having custody, possession or control of such documents and any other person working on the premises must give the inspector reasonable assistance, furnish him with the information or documents he requires and facilitate the examination thereof.

Certificate

The inspector must, on request, produce a certificate signed by the Minister attesting his quality.

Provisional
administra-
tion

“149.25.2 The Minister may, for a period not exceeding 120 days, assume the provisional administration of the Corporation,

(1) where the Corporation refuses or neglects to comply with the directives given to it pursuant to section 149.25 or to take the measures required to meet the objectives set forth in the directives;

(2) where the Corporation engages in practices or tolerates a situation which could endanger the health or welfare of persons who call upon its services or which are inconsistent with the functions conferred upon the Corporation;

(3) where it is seriously remiss in the performance of its obligations under this Act, its statutory instruments or any regulation, especially by incurring expenditures not provided for in its budget;

(4) where there are reasonable grounds to believe that there has been a serious fault, such as embezzlement, breach of trust or other misconduct by a member of the board of directors.

Extension The period of 120 days may be extended by the Government for a period not exceeding 90 days.

Suspension
of powers “**149.25.3** Where the Minister assumes provisional administration of the Corporation, the powers of the Corporation are suspended and shall be exercised by the Minister.

Provisional
report “**149.25.4** The Minister must make a provisional report of his administration to the Government as soon as possible, setting forth his findings and recommendations.

Representa-
tions Before submitting his report to the Government, the Minister must give the Corporation an opportunity to present its views. The Minister shall attach to his report a summary of the representations made to him by the Corporation.

Powers “**149.25.5** The Government may, if the provisional report confirms the existence of a situation described in the first paragraph of section 149.25.2,

(1) order that the situation be remedied within the time it fixes;

(2) decide that the Minister is to continue his provisional administration or to suspend it until the Corporation complies with any conditions imposed by the Government.

Final
report “**149.25.6** The Minister must make a final report to the Government upon ascertaining that the situation described in the provisional report has been corrected or that it will not be possible to correct it.

Powers	<p>“149.25.7 The Government may, after receiving the final report of the Minister,</p> <p>(1) terminate the provisional administration of the Corporation on the date it fixes;</p> <p>(2) declare the members of the board of directors of the Corporation forfeited of office and provide for the appointment of their replacements;</p> <p>(3) exercise any power conferred upon it by section 149.25.5.</p>
Controller	<p>“149.25.8 The Government may designate a controller who shall be responsible for seeing to the proper utilization of the public funds granted to the Corporation if the Corporation does not exercise adequate budgetary control.</p>
Directives	<p>Every person performing administrative duties within the Corporation is required to submit to the controller's directives, within the limits of the powers conferred on him.</p>
Controller's authority	<p>No undertaking may be entered into on behalf of the Corporation nor any disbursement made without the countersignature of the controller. Any undertaking entered into in contravention of this paragraph is null.</p>
Inquiry	<p>“149.25.9 The Government may order that an inquiry be held into any matter pertaining to the administration, organization or operation of the Corporation and designate a person entrusted with the inquiry.</p>
Investigator	<p>The investigator is vested, for the purposes of the inquiry, with the immunity and powers of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.</p>
Suspension of powers	<p>“149.25.10 Where the Government orders an inquiry or designates a controller, it may suspend all or part of the powers of the Corporation for a period not exceeding six months and appoint an administrator to exercise such powers.</p>
Extension	<p>The Government may extend the suspension of powers as well as the mandate of the administrator for a period not exceeding six months.</p>
Prosecution	<p>“149.25.11 No person who, under the authority of the Minister, assumes provisional administration of the Corporation, is</p>

appointed controller under section 149.25.8, is appointed administrator under section 149.25.10 or is authorized to make an inquiry under section 149.25.1 may be prosecuted for any act performed in good faith in the carrying out of his functions.”

Coming into
force

2. This Act comes into force on 20 June 1991.