

1991, chapter 56

AN ACT RESPECTING THE CONSEIL MÉDICAL DU QUÉBEC

Bill 171

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

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Assented to 12 December 1991

Coming into force: 12 December 1991

Act amended: None



CHAPTER 56

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[Assented to 12 December 1991]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

ESTABLISHMENT AND ORGANIZATION

Conseil
médical du
Québec

1. A medical council, called the “Conseil médical du Québec”, is hereby established.

Composition

2. The council shall be composed of fifteen voting members, of whom at least eight must be physicians, and of the members mentioned in section 4.

Appoint-
ment
of members

3. The voting members of the council shall be appointed by the Government, on the recommendation of the Minister of Health and Social Services, in the following manner:

(1) two general practitioners chosen from a list of five physicians recommended by the body representing general practitioners within the meaning of section 19 of the Health Insurance Act (R.S.Q., chapter A-29);

(2) two specialists chosen from a list of five physicians recommended by the body representing specialists within the meaning of section 19 of the Health Insurance Act;

(3) one physician chosen from a list of three physicians recommended by the Corporation professionnelle des médecins du Québec;

(4) one physician chosen from a list of three physicians recommended by the body grouping the councils of physicians,

dentists and pharmacists of establishments within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-5);

(5) four persons appointed after consultation with the Rectors of Québec universities having a faculty of medicine and the Deans of such faculties, a body responsible for evaluating health care technology, the Fonds de la recherche en santé du Québec and the Conseil consultatif de pharmacologie;

(6) three persons appointed after consultation with the health care and social services community;

(7) one medical resident chosen from a list of three residents recommended by the body representing medical residents;

(8) one doctoral student in medicine chosen from a list of three persons recommended by the body representing doctoral students in medicine.

Non-voting
members

4. The Deputy Minister of Health and Social Services, one or more associate or assistant Deputy Ministers and any person designated by the Minister are non-voting members of the council.

Chairman
and vice-
chairman

5. Upon the Minister's recommendation, the Government shall designate the chairman and vice-chairman from among the members of the council who are physicians and have the right to vote.

Term of
office

6. The chairman of the council is appointed for a term not exceeding five years.

Term of
office

The other voting members of the council are appointed for a term of four years. However, seven of the first members of the council shall be appointed for a term of two years.

Reappoint-
ment or
replacement

Members shall remain in office at the expiry of their terms until reappointed or replaced.

Renewal

7. The term of a voting member of the council, including that of the chairman, cannot be renewed consecutively more than once.

Vacancy

8. Any vacancy occurring during a term of appointment shall be filled in accordance with the mode of appointment prescribed in section 3 for the appointment of the member to be replaced, for the unexpired portion of that person's term.

- Absence** **Absence without valid reason from the number of meetings of the council determined in its internal management by-laws, in the cases and circumstances prescribed therein, shall constitute a vacancy.**
- Duties of chairman** **9.** The chairman of the council shall conduct the meetings of the council and be responsible for the management of its activities. He shall also act as liaison between the council and the Minister.
- Replacement** Where the chairman is unable to act, he shall be replaced by the vice-chairman.
- Terms of employment** **10.** The Government shall fix the remuneration, social benefits and other terms of employment of the chairman and of the vice-chairman when he replaces the chairman.
- Expenses** **11.** The voting members of the council, other than the chairman and, as provided, the vice-chairman, are not remunerated. They are however entitled to the reimbursement of expenses incurred in the performance of their duties, on the conditions and to the extent determined by the Government.
- Place of meeting** **12.** The council may hold its meetings at any place in Québec.
- Quorum** The quorum at meetings of the council is the majority of its voting members, including the chairman and the vice-chairman.
- Decisions** **13.** Decisions of the council are made by a majority vote of the voting members who are present.
- Casting vote** In the case of a tie-vote, the chairman of the council or, in his absence, the vice-chairman, shall have the casting vote.
- Appointment of staff** **14.** The secretary and other members of the staff of the council shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).
- Secretariat** **15.** The secretariat of the council shall be located in the territory of the Communauté urbaine de Québec, at the place determined by the Government.
- Notice of location** Notice of that location and of any change of location of the secretariat shall be published in the *Gazette officielle du Québec*.

DIVISION II

FUNCTIONS AND POWERS

Function **16.** The function of the council is to advise the Minister on any matter relating to medical services, taking into account the needs of the population and the evolving costs of, and ability of the population to pay for, medical services.

Powers **17.** Matters on which the council may advise the Minister include

(1) the orientation of medical services in relation to the priorities of the health care system, especially the evolution, organization and distribution of services and the manner in which medical services dispensed by establishments within the meaning of the Act respecting health services and social services may be harmonized with those dispensed in private medical facilities;

(2) medical staffing needs in general practice and specialties, viewed as a whole or by specialty, and staff distribution between the regions or territories of Québec in light of the characteristics of the population and the available budgetary resources;

(3) the evolution and adaptation of medical practice with regard to emerging needs, new realities and standards of quality;

(4) the different types of medical practice having regard to the needs of the population that are to receive priority;

(5) draft regulations concerning the coverage of insured medical services within the meaning of the Health Insurance Act (R.S.Q., chapter A-29);

(6) the most appropriate methods of remuneration of physicians;

(7) policies or programs addressing the rationalization of, or priority to be given to, the dispensation of a medical service.

**Consultation
by Minister** **18.** The Minister shall consult the council and obtain its advice on the following matters:

(1) draft regulations relating to the clinical organization of medical services dispensed by establishments;

(2) policies relating to the medical work force, including policies governing enrollment in programs of medical training at the doctoral and post-doctoral level;

(3) the reference framework for medical staff distribution, and in particular the expansion or reduction objectives to be established for each region of Québec.

Time limit The council shall give its advice on these matters within the time prescribed by the Minister.

Time limit **19.** The council must give its advice to the Minister within the period of time prescribed by the latter on any other matter submitted by the Minister.

Further powers **20.** In the pursuit of its objects, the council may, in addition,

(1) initiate consultation, seek advice, accept and hear requests and suggestions from persons, bodies or associations and submit to the Minister any recommendation it considers appropriate;

(2) set up committees;

(3) conduct or commission a study or survey in accordance with an authorization from the Minister.

Publication **21.** The council may make public any advice, opinion or recommendation submitted by it under sections 16 to 20, 60 days after forwarding it to the Minister.

By-laws **22.** The council must adopt by-laws for its internal management.

DIVISION III

MISCELLANEOUS AND FINAL PROVISIONS

Fiscal year **23.** The fiscal year of the council ends on 31 March.

Report **24.** The council shall forward to the Minister, not later than 30 June each year, a report on its activities for the preceding fiscal year.

Tabling **25.** The Minister shall table the report of the council before the National Assembly within 30 days of receiving it or, if the National Assembly is not sitting, within 30 days of resumption.

Minister responsible **26.** The Minister of Health and Social Services is responsible for the administration of this Act.

Coming into force **27.** This Act comes into force on 12 December 1991.