



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 156

**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**

Introduction



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

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EXPLANATORY NOTES

This bill amends the Act respecting health services and social services to allow the Government and the Minister of Health and Social Services to exercise, in respect of Corporation d'urgences-santé de la région de Montréal Métropolitain, powers of inspection, control and inquiry of the same nature as those that may be exercised in respect of establishments.

The bill also determines the rules that would apply should the Corporation be placed under provisional administration.

Bill 156

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

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:

“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.

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.

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

“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.

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

“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.

“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.

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.

“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.

“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.

“149.25.7 The Government may, after receiving the final report of the Minister,

(1) terminate the provisional administration of the Corporation on the date it fixes;

(2) declare the members of the board of directors of the Corporation forfeited of office and provide for the appointment of their replacements;

(3) exercise any power conferred upon it by section 149.25.5.

“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.

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.

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.

“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.

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.

“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.

The Government may extend the suspension of powers as well as the mandate of the administrator for a period not exceeding six months.

“149.25.11 No person who, under the authority of the Minister, assumes provisional administration of the Corporation, is

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."

2. This Act comes into force on (*insert here the date of assent to this Act*).