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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 34

## **An Act to amend the Act respecting health services and social services and other legislation**

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### **Introduction**

**Introduced by  
Mr Robert Dutil  
Minister for Family, Health and Social Services**

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**Québec Official Publisher  
1988**

## EXPLANATORY NOTES

*This bill proposes new rules which will apply to ambulance services in Québec.*

*The bill provides for the creation of a corporation which will be responsible for the organization and coordination of ambulance services in the territory served by the Conseil de la santé et des services sociaux de la région de Montréal Métropolitain and in any bordering territory determined by the Minister.*

*The Corporation will be authorized to enter into contracts for the leasing of ambulances with respect to the territory served by the Conseil de la santé et des services sociaux de la région de Montréal Métropolitain and into contracts for the leasing of ambulance services with respect to a bordering territory.*

*As regards the other regions of Québec, the bill provides that, following a request by the Minister, a health and social services regional council will be required to prepare a regional ambulance service coordination plan and designate the hospital centre or body which will be responsible for such coordination. The designated hospital centre or body will be empowered to enter into a contract with any ambulance service operator operating in the region for the provision of ambulance services.*

*In addition, the bill provides that any municipality wishing to provide ambulance services on its territory may be authorized to do so by the Corporation or by the designated hospital centre or body.*

*The bill also provides special provisions applicable to the current holders of ambulance service permits with regard to the first contracts to be entered into under the new rules.*

*Moreover, the bill proposes a number of legislative amendments to reflect the changes made in the sector of ambulance services, to strengthen the provisions concerning the suspension or revocation of permits and to allow*

*appeals relating to ambulance service permits to be heard and decided by preference.*

*Finally, various transitional provisions are proposed concerning the employees of the Conseil de la santé et des services sociaux de la région de Montréal Métropolitain who work at the emergency coordination unit and concerning the ambulance technicians employed by current ambulance service permit holders in the Montréal region.*

**ACTS AMENDED BY THIS BILL**

- (1) the Labour Code (R.S.Q., chapter C-27);
- (2) the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34);
- (3) the Public Health Protection Act (R.S.Q., chapter P-35);
- (4) the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- (5) the Act respecting health services and social services (R.S.Q., chapter S-5).



## Bill 34

### **An Act to amend the Act respecting health services and social services and other legislation**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 18.3 of the Act respecting health services and social services (R.S.Q., chapter S-5) is amended

(1) by replacing the first paragraph and the first line of the second paragraph by the following paragraph:

**“18.3** The Conseil de la santé et des services sociaux de la région de Montréal Métropolitain shall, for the purpose of ensuring the distribution of emergency cases, exercise the following functions:”;

(2) by striking out subparagraphs 5, 5.1 and 6 of the second paragraph;

(3) by striking out the third paragraph.

**2.** The said Act is amended by inserting, after section 149, the following division:

“DIVISION VI.1

“AMBULANCE SERVICES

“§ 1.—*La Corporation d’urgences-santé  
de la région de Montréal Métropolitain*

**“149.1** A non-profit corporation is hereby established under the name of “Corporation d’urgences-santé de la région de Montréal Métropolitain”.

**“149.2** The head office of the Corporation shall be situated in the city of Montréal at the address determined by the board of directors.

**“149.3** Part III of the Companies Act applies to the Corporation, subject to any inconsistent provisions of this division.

**“149.4** The territory of the Corporation shall consist of the territory of the Montréal Métropolitain region and, at the request of a regional council concerned, of such bordering territory as may be determined by the Minister.

**“149.5** The object of the Corporation is to organize and coordinate ambulance services in its territory. For that purpose, the Corporation shall exercise the following functions:

(1) promote concerted action among the various persons concerned by ambulance services;

(2) administer a pre-hospitalization emergency system to facilitate access to health services;

(3) receive, from persons and establishments, calls requesting ambulance services and, as the case may be, provide the services or dispatch the request to the owners of ambulances who have made a leasing contract with the Corporation;

(4) devise and implement a communication system to monitor on a day-to-day basis the situation prevailing in the emergency services of the establishments with respect to the number of transfers and conveyances effected by ambulance and inform any regional councils in its territory;

(5) authorize the conveyance of a person to another establishment where the establishment initially selected is overcrowded, after seeing to it that all prescribed procedures have been complied with.

The Corporation may operate an ambulance service or a medical emergency intervention service.

The establishments referred to in subparagraphs 4 and 5 of the first paragraph are the public establishments and private establishments referred to in sections 176 and 177.

**“149.6** The Corporation is composed of the following nine members, appointed by the Government:

- (1) the director general of the Corporation;
- (2) one member appointed after consultation with the Communauté urbaine de Montréal;
- (3) one member appointed from among the most representative socio-economic groups of the territory;
- (4) one member appointed from among the directors general of the hospital centres of the territory;
- (5) one member appointed from among the emergency-room coordinators of the hospital centres of the territory;
- (6) one physician appointed from among physicians who practise in a medical emergency intervention service within the territory, after consultation with the Fédération des médecins omnipraticiens du Québec;
- (7) three members appointed from among the employees of the Corporation.

**“149.7** Upon their appointment, the members of the Corporation become members of the board of directors.

The director general of the Corporation is also the chairman of the board of directors.

**“149.8** The term of office of the members of the board of directors shall not exceed five years.

Notwithstanding the foregoing, a person who ceases to qualify for his appointment ceases to be a member of the Corporation and of the board of directors.

**“149.9** The members of the board of directors shall remain in office, notwithstanding the expiry of their term, until they are reappointed or replaced.

Any vacancy occurring before the expiry of a term shall be filled in the manner and for the time provided for in sections 149.6 and 149.8.

**“149.10** The members of the board of directors other than the director general shall receive no salary; they are, however, entitled to the reimbursement of expenses incurred in the performance of their

duties, subject to such conditions and to such extent as may be determined by the Government.

**“149.11** The director general shall be responsible, under the authority of the board of directors, for the management of the Corporation within the scope of its by-laws and policies. He shall exercise his functions on a full-time basis.

The remuneration and the conditions governing the exercise of the functions of the director general shall be determined by the Government.

**“149.12** Where the director general is absent or unable to act, the Government may appoint a person to exercise his functions while he is absent or incapacitated, and fix his remuneration and the conditions governing the exercise of his functions.

**“149.13** On pain of forfeiture of office, in no case may the director general of the Corporation have any direct or indirect interest in an enterprise which places his personal interest in conflict with that of the Corporation. However, forfeiture is not incurred if the interest devolves by succession or gift, provided it is renounced or disposed of with diligence.

Every member of the board of directors, other than the director general of the Corporation, having a direct or indirect interest in an enterprise which places his personal interest in conflict with that of the Corporation shall, on pain of forfeiture of office, disclose his interest in writing to the director general and abstain from taking part in any debate or decision bearing upon the enterprise in which he has an interest.

**“149.14** The staffing plan of the Corporation, the standards and scales of remuneration and the other conditions of employment of the employees of the Corporation other than the director general shall be determined by regulation of the board of directors and submitted to the Government for approval.

**“149.15** The Corporation may make a leasing contract with any ambulance owner whereby ambulances will be made available at such service points and according to such schedules as the Corporation may determine.

**“149.16** The Corporation may also authorize, on such conditions as it may determine, a municipality of its territory which applies therefor, to provide ambulance services and make a contract with that municipality for such purpose.

**“149.17** The standards regarding the equipment, operation and inspection of an ambulance service and the standards regarding the qualifications of the staff assigned to such a service prescribed in a regulation under the Public Health Protection Act (R.S.Q., chapter P-35), adapted as required, apply, according to the nature of the activities engaged in, to every owner or municipality having made a contract under section 149.15 or 149.16 and to the Corporation.

**“149.18** Where the Corporation wishes to award contracts for the leasing of ambulances under section 149.15, it must invite public tenders. The Corporation is not required to retain any of the tenders.

**“149.19** Notwithstanding section 149.18, the Corporation shall prepare the specifications applicable to all initial contracts and indicate therein the total number of ambulances required for its territory and the conditions which are applicable. The specifications shall be transmitted to every holder of an ambulance service permit who operates within its territory on *(insert here the date of coming into force of this section)*. Within the next 15 days, a permit holder may submit to the Corporation a proposal which cannot involve a greater number of ambulances than is specified on his permit.

If the contracts awarded within 45 days of the transmission of the specifications do not provide the total number of ambulances required, the Corporation may invite tenders for the remainder.

Within 15 days of the opening of the tenders and after notifying each tenderer in writing, the Corporation shall initiate new negotiations with each permit holder with whom no contract under the first paragraph has been made and make a contract with him, if he agrees to the price of the lowest bid tendered or to a lower price.

For the purposes of the tenders or specifications no amendment may be made to the specifications except with respect to the number of ambulances as determined under the second paragraph.

The Corporation shall stipulate in each contract an effective date which shall be the same for all contracts. As soon as a contract is made, the Corporation shall send a copy thereof to the Minister.

On the date the contracts become effective, every ambulance service permit granted by the Minister or by the regional council for the territory of the Corporation is revoked, whether or not the holder of the permit is a party to any of the contracts.

No contract awarded by the Corporation under this section may become effective before the expiry of the contracts which are in effect,

at the time of the transmission of the specifications, between the regional council and the holders of ambulance service permits in the region.

This section does not apply to a municipality providing ambulance services, and the number of ambulances it uses therefor is not included in the specifications. However, its permit is revoked, in accordance with the fifth paragraph, from the day the contracts referred to therein become effective.

**“149.20** Notwithstanding section 149.15, in no case may the Corporation make, in a bordering territory referred to in section 149.4, any contract other than a contract that a hospital centre or a body would be authorized to make pursuant to section 149.28.

This subdivision, adapted as required, applies to operators of ambulance services who have made a contract under the first paragraph. However, section 149.19 applies only if holders of ambulance service permits operate in such territory.

**“149.21** Each year, the Corporation shall submit its budget estimates for the next fiscal year to the Minister.

The Minister shall fix the final date for filing such estimates and determine the form and content thereof.

**“149.22** On 1 April each year, the Minister shall transmit to the Corporation, on such conditions as he may determine, its operating budget and, where applicable, its capital budget for the current fiscal year. Failing that, the operating budget and, where applicable, the capital budget transmitted by the Minister for the preceding fiscal year shall be renewed until the Corporation has received the budget for the current fiscal year.

**“149.23** The fiscal year of the Corporation ends on 31 March each year.

**“149.24** The books and accounts of the Corporation shall be audited every year by the Auditor General or, with the approval of the Government, by an auditor designated by the Corporation.

The auditor's report must accompany the report of activities and the financial statements of the Corporation.

**“149.25** The Corporation shall provide to the Minister any information or report he may require on its activities.

**“149.26** Not later than 30 June each year, the Corporation shall submit its financial statements and a report of its activities for the preceding fiscal year to the Minister.

The financial statements and the report of activities must contain all the information required by the Minister.

*“§ 2.—Hospital centres and bodies  
responsible for the coordination  
of ambulance services*

**“149.27** At the request of the Minister, a regional council shall submit to him, for approval with or without amendment, an ambulance service coordination plan for its region, indicating which hospital centre or body is responsible for the coordination of ambulance services.

The plan may be revised at the request of the Minister.

This section does not apply to the Conseil de la santé et des services sociaux de la région de Montréal Métropolitain or to regional councils of any region situated in part within the territory of the Corporation d’urgences-santé de la région de Montréal Métropolitain, as regards the part of the region concerned.

**“149.28** The hospital centre or body responsible for the coordination of ambulance services in a region may make with any operator of an ambulance service who operates in the region a contract whereby the operator undertakes to provide ambulance services at such service points and according to such schedules as may be determined by the hospital centre or body.

**“149.29** Where a hospital centre or body becomes responsible for the coordination of ambulance services in a particular region in accordance with section 149.27, sections 149.16 to 149.19 apply, adapted as required.

**“149.30** Sections 149.21 to 149.26, adapted as required, apply to a body responsible for the coordination of ambulance services. However, its books and accounts shall be audited each year by the auditor it designates.

The master budget of a hospital centre responsible for the coordination of ambulance services must indicate the amounts to be allocated for that particular purpose.

“§ 3.—*Miscellaneous provisions*

**“149.31** The Minister shall determine the form, the minimum content and, where applicable, the term of the contracts made under this division.

The content of the contracts may vary according to the territory or the regions, the nature or scope of the services provided or the population served.

**“149.32** Every public establishment or private establishment referred to in section 176 or 177 is bound by any decision pertaining to ambulance services made by the Corporation d’urgences-santé de la région de Montréal Métropolitain or by a hospital centre or body responsible for the coordination of ambulance services.”

**3.** Section 111.0.16 of the Labour Code (R.S.Q., chapter C-27) is amended by replacing paragraph 7 by the following paragraph:

“(7) an ambulance service enterprise, the Corporation d’urgences-santé de la région de Montréal Métropolitain, a body referred to in section 149.27 of the Act respecting health services and social services or the Canadian Red Cross Association; or”.

**4.** Section 2 of the Public Health Protection Act (R.S.Q., chapter P-35) is amended

(1) by adding the words “for the holders of an ambulance service permit” at the end of subparagraph *a* of the second paragraph;

(2) by replacing subparagraph *b* of the second paragraph by the following subparagraph:

“(b) except as regards a municipality which provides ambulance services, fix the costs or rates of ambulance services according to the type of services provided, the population served, or according to zones, regions or territories, or establish standards for fixing them;”;

(3) by replacing the words “and the maximum number of ambulances; such maximum number may be fixed for an administrative area or for a zone” in the second, third and fourth lines of subparagraph *c* of the second paragraph by the words “or the maximum number of ambulances; such maximum number may be fixed for an administrative region, a zone or, if applicable, a territory”;

(4) by replacing subparagraph *e* of the second paragraph by the following subparagraph:

“(e) establish standards for the granting of subsidies to the holders of an ambulance service permit;”;

(5) by replacing subparagraph *f* of the second paragraph by the following subparagraph:

“(f) determine the forms of remuneration payable to ambulance owners, ambulance service operators or municipalities who or which have made a contract with the Corporation d’urgences-santé de la région de Montréal Métropolitain or with a hospital centre or a body referred to in section 149.27 of the Act respecting health services and social services as well as the applicable terms and conditions for the payment thereof;”;

(6) by inserting the words “, the Corporation d’urgences-santé de la région de Montréal Métropolitain or a hospital centre or a body referred to in section 149.27 of the Act respecting health services and social services” after the words “regional council” in the fifth line of the third paragraph.

**5.** Section 2.1 of the said Act is amended by adding the words “No regulation made under subparagraph *b* of the second paragraph of the said section may, however, come into force before it has been approved by the Government.” at the end of the first paragraph.

**6.** Section 31 of the said Act is amended by adding the words “or unless he has made a contract under Division VI.1 of the Act respecting health services or social services with the Corporation d’urgences-santé de la région de Montréal Métropolitain or with a hospital centre or a body referred to in section 149.27 of the said Act” after the word “be” in the third line of the second paragraph.

**7.** Section 36 of the said Act is amended by adding, at the end, the following paragraph:

“In addition, the Minister or the regional council, as the case may be, shall dismiss any application for an ambulance service permit in regions or territories for which contracts have been made under Division VI.1 of the Act respecting health services and social services.”

**8.** The said Act is amended by adding, after section 40.3, the following sections:

**“40.3.1** The holder of an ambulance service permit shall not operate his service in a way that would prejudice the safety of the persons conveyed by him.

**“40.3.2** The Minister may suspend, revoke or refuse to renew the permit of any holder who

(a) has been found guilty of an offence under this Act or the regulations, or has been found guilty of an indictable offence in connection with the operation of the service for which he holds a permit;

(b) no longer fulfills the conditions required to obtain a permit;

(c) is insolvent or about to become insolvent;

(d) does not comply with an order made under section 40.3.3;

(e) does not comply with a voluntary undertaking made pursuant to section 40.3.4.

**“40.3.3** The Minister may, instead of suspending, revoking or refusing to renew the permit of a holder who contravenes section 40.3.1, order him to make the necessary changes within the period of time he determines.

**“40.3.4** The Minister may, if he has reasonable cause to believe that the holder of a permit is contravening this Act or the regulations, accept his voluntary undertaking to comply therewith.”

**9.** Section 40.4 of the said Act, enacted by section 89 of chapter 65 of the statutes of 1987, is amended by replacing the words “cancel, suspend” in the second line by the words “suspend, revoke”.

**10.** Section 41 of the said Act is amended by replacing the words “whose application for a permit is refused or whose permit is suspended or cancelled” in the first and second lines by the words “whose permit is suspended or revoked or whose application for the renewal of his permit is refused”.

**11.** The word “détenteur” is replaced by the word “titulaire” wherever it appears in the French text of the Public Health Protection Act and in the French text of its regulatory instruments.

**12.** Section 28 of the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34) is amended by inserting the words “of section 21 and the appeals contemplated in paragraph *j* of the said section and which relate to ambulance service permits” after the letter and figure “*h.1*” in the first line of the second paragraph.

**13.** The Conseil de la santé et des services sociaux de la région de Montréal Métropolitain and the Corporation d'urgences-santé de la région de Montréal Métropolitain shall make an agreement for the purpose of transferring to the Corporation, on the date determined in the agreement, or on the date determined by the Government, the employees of the regional council working at the emergency coordination unit or mainly within the general activities of the latter.

The agreement shall also provide for the transfer of the movable property listed therein as well as the transfer of the records and other documents of the emergency coordination unit of the council.

It may also provide for the transfer to the Corporation of certain rights and obligations arising from contracts signed by the council and required for the operation of the emergency coordination unit.

**14.** The agreement shall identify the employees who are transferred from the Conseil de la santé et des services sociaux de la région de Montréal Métropolitain to the Corporation d'urgences-santé de la région de Montréal Métropolitain. It shall maintain the sick leave and holiday leave accumulated by those employees and determine their classification and seniority. Their wages cannot be reduced solely by reason of the transfer.

**15.** The agreement shall establish the mechanisms for the settlement of any disagreement arising from its interpretation.

**16.** Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), amended by orders in council 183-87 of 11 February 1987 and 639-87 of 29 April 1987, by section 83 of chapter 47 of the statutes of 1987 and by order in council 1888-87 of 16 December 1987, is again amended by adding the words "the Corporation d'urgences-santé de la région de Montréal Métropolitain who were employees of the Conseil de la santé et des services sociaux de la région de Montréal Métropolitain on the date of the transfer made pursuant to section 13 of the Act to amend the Act respecting health services and social services and other legislation (1988, chapter *insert here the chapter number of that Act in the annual volume of statutes for 1988*)" after the words "the Conférence des conseils régionaux de la santé et des services sociaux (CRSSS) du Québec (CCRSSQ)" in paragraph 1.

**17.** Schedule III to the said Act, amended by order in council 639-87 of 29 April 1987, section 85 of chapter 47 of the statutes of 1987 and by order in council 1888-87 of 16 December 1987, is again amended by adding the words "the Corporation d'urgences-santé de la région

de Montréal Métropolitain in respect of the employees who were employees of the Conseil de la santé et des services sociaux de la région de Montréal Métropolitain on the date of the transfer made pursuant to section 13 of the Act to amend the Act respecting health services and social services and other legislation (1988, chapter *insert here the chapter number of that Act in the annual volume of statutes for 1988*)” after the words “the Conseil de la Science et de la Technologie” in paragraph 1.

**18.** Every employee of the Conseil de la santé et des services sociaux de la région de Montréal Métropolitain transferred to the Corporation d’urgences-santé de la région de Montréal Métropolitain shall keep the privilege, as long as he is in the employ of the Corporation, of requesting the application of any replacement or employment stabilization mechanism that would have been available to him if he had remained in the employ of the council, in accordance with the rules and procedures applicable at the time of his request.

**19.** The certified associations of employees which, on the date of the transfer, represent employees referred to in section 13 who have been transferred from the Conseil de la santé et des services sociaux de la région de Montréal Métropolitain to the Corporation d’urgences-santé de la région de Montréal Métropolitain, shall continue to represent those employees in accordance with the Labour Code.

The collective agreements in force at the time of the transfer and which apply to those associations of employees shall apply to the employees of the Corporation, according to the groups concerned, inasmuch as they are applicable. However, the collective agreement provisions referred to in section 18 apply only to an employee transferred from the council to the Corporation.

**20.** The Corporation d’urgences-santé de la région de Montréal Métropolitain is bound by the contracts entered into before (*insert here the date of coming into force of this section*) between the Conseil de la santé et des services sociaux de la région de Montréal Métropolitain and the holders of ambulance service permits of that region as if the Corporation were named therein in the place and stead of the council.

**21.** The special agreement relating to health insurance and hospital insurance reached on 23 November 1981 concerning emergency medical visits in the Montréal Métropolitain region, as amended on 11 May 1982, shall continue to apply and to be binding on the Corporation d’urgences-santé de la région de Montréal Métropolitain as if the Corporation were named therein in the place and stead of the Conseil de la santé et des services sociaux de la région de Montréal Métropolitain

**22.** The employees who on (*insert here the date of introduction of this bill*) are employed by a person mentioned in the schedule and who are ambulance technicians shall become employees of the Corporation d'urgences-santé de la région de Montréal Métropolitain on the date fixed by the Corporation and by the persons mentionned in the schedule or on the date determined by the Government. Any such employee hired on or after (*insert here the date of introduction of this bill*) but before (*insert here the date of transfer*) may also, with the approval of the Corporation, be transferred.

The Corporation may enter into an agreement with the persons mentioned in the schedule with respect to the transfer of such employees. The agreement may include terms and conditions pertaining to the payment of the benefits, such as sick leave and holiday leave, accrued to such employees pursuant to the provisions of the applicable collective agreements which are effective on the day of the transfer.

**23.** The sums put at the disposal of the Conseil de la santé et des services sociaux de la région de Montréal Métropolitain for the operation of its emergency coordination unit and for the performance of its duties as regards ambulance services and medical emergency interventions shall be transferred to the Corporation d'urgences-santé de la région de Montréal Métropolitain, to the extent determined by the Minister.

**24.** The provisions of this Act will come into force on the date or dates to be fixed by the Government.

SCHEDULE

- (1) Les Ambulances Erna
- (2) Service d'Ambulance et de Sauvetage Baldwin-Cartier Inc.
- (3) Les Services d'Urgence C.A.L. Inc.
- (4) Ambulance Médic-I Inc.
- (5) Service ambulancier Lépine-Cloutier Ltée
- (6) Service ambulancier Médicapitale (Montréal) Ltée
- (7) Service ambulancier Action-Santé (Montréal) Ltée
- (8) Ambulance S.O.S. Enr.
- (9) Les Ambulances Trudeau Inc.
- (10) Services Ambulanciers Clau-Mar Inc.
- (11) Les Ambulances André Inc.
- (12) Les Ambulances F. & P. Inc.
- (13) Les Ambulances Hana Inc.
- (14) Les Ambulances Marcos Inc.
- (15) Resuscicar Inc.
- (16) 157886 Canada Inc.
- (17) S.O.S. Médecin Enr.
- (18) Service d'ambulances des Pins Inc.
- (19) Service Médical Interurbain Enr.
- (20) Service Médical Clau-Mar Enr.