



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 97

An Act to amend the Act respecting health services and social services

Introduction

**Introduced by
Madam Thérèse Lavoie-Roux
Minister of Health and Social Services**



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EXPLANATORY NOTES

This bill amends the Act respecting health services and social services to introduce new rules and penalties applicable to directors general of regional councils and public establishments with respect to conflicts of interest and exclusivity of office.

It also introduces a regulatory provision applicable to senior and intermediate officers with respect to conflicts of interest and exclusivity of office, with a penal clause identical to that applicable to directors general.

The bill specifies that the grievance procedure applicable to those persons cannot be used with regard to sanctions imposed as a result of proceedings for forfeiture of office.

It prohibits all directors general, senior officers and intermediate officers of public establishments, under penalty of a fine, from accepting any sum of money or any benefit from a foundation or corporation which solicits funds or donations from the public for purposes related to health services or social services. It also provides that any public establishment which receives any sum of money or any benefit from such a foundation or corporation must report it in its financial statements, indicating the purpose for which it was granted.

The bill introduces provisions under which the members of the board of directors of a regional council or public establishment will be required to make public, at the public information meeting held once a year, certain items of information with respect to the financial statements of the establishment, and answer any question put to them respecting the financial statements.

The bill adopts a more flexible method for fixing the date of the users' meeting of a local community service centre and of a social service centre.

In addition, the bill provides that the Government may, after consultation with various organizations, authorize a number of postgraduate medical training positions, with a view to furthering the apportionment

of medical resources among the regions on the basis of rational considerations.

Finally, the bill specifies that the new provisions concerning conflicts of interest and exclusivity of office will have effect, for a director general or an officer in office on the date of coming into force, three months after that date.

Bill 97

An Act to amend the Act respecting health services and social services

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 3, the following section:

“3.1 The Government may, with a view to furthering the apportionment of medical resources among the regions on the basis of rational considerations, authorize, each year, a certain number of medical training positions within the scope of a postgraduate medical training program, subject to the acceptance, by the trainee, of an undertaking with a penal clause, to practise in the region or establishment determined by the Minister for the number of years he fixes.

The positions referred to in the first paragraph shall be determined by the Minister after consultation with the Bureau of the Ordre des médecins du Québec, the deans of the faculties of medicine of Québec universities and the health and social service councils of the regions where the trainees are to practise.”

2. Section 23 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The members of the board of directors must then make public, in accordance with the regulations, such items of information as are prescribed with respect to the financial statements of the establishment. They must also answer any question put to them respecting the financial

statements, the functions that the regional council assumes and the relations it has with the establishments of the region for which it is established.”

3. Section 31 of the said Act is replaced by the following section:

“**31.** No director general of a regional council shall, under pain of forfeiture of office, have any direct or indirect interest in an undertaking causing his personal interest to conflict with that of the regional council. However, forfeiture is not incurred if such an interest devolves to him by succession or gift, provided he renounces or disposes of it with all possible dispatch.

A director general may, however, be a minority shareholder of a corporation which operates an undertaking referred to in the first paragraph if the shares of the corporation are listed on a recognized stock exchange and if the director general is not an insider of the corporation within the meaning of section 89 of the Securities Act (R.S.Q., chapter V-1.1).

A director general who is forfeited of office becomes disqualified from holding any office or employment in any regional council or public establishment for a period of three years from the date of the forfeiture.

The board of directors of a regional council must, on becoming aware that its director general is in a situation of conflict of interest, take measures in view of instituting proceedings for forfeiture of office against him. It must, also, within the ten following days, inform the Minister thereof and indicate to him the nature of the situation and of the measures taken.

The resignation of a director general by reason of a conflict of interest shall terminate any proceedings for forfeiture of office instituted against him on that ground.

Every member of the board of directors of a regional council other than the director general who has a direct or indirect interest in an undertaking causing his personal interest to conflict with that of the regional council must, under pain of forfeiture of office, disclose his interest in writing to the board of directors and abstain from sitting on the board and participating in the deliberations or decisions when a matter pertaining to the undertaking in which he has that interest is being debated.”

4. Section 37 of the said Act is replaced by the following section:

“37. The director general of a regional council shall, under pain of forfeiture of office, devote himself exclusively to the work of the council and the duties of his office. He shall not hold, outside the council, any other employment, office or function or provide any service for which a remuneration or any direct or indirect benefit is paid or granted to him.

A director general who is forfeited of office becomes disqualified from holding any office or employment in any regional council or public establishment for a period of three years from the date of the forfeiture.

The board of directors of a regional council must, on becoming aware that its director general is contravening the clause of exclusivity of office, take measures in view of instituting proceedings for forfeiture of office against him. It must, also, within the ten following days, inform the Minister thereof and indicate to him the nature of the situation and of the measures taken.

The resignation of a director general by reason of a contravention of the first paragraph shall terminate any proceedings for forfeiture of office instituted against him on that ground.

A director general may, however, with the authorization of the Minister and of the board of directors of the regional council, hold an office, provide services or assume duties in addition to his regular duties.

Similarly, a director general may be the director general of more than one regional council or of a regional council and a public establishment if so authorized by the Minister and the boards of directors thereof.

A director general may also hold an elective public office or, with the authorization of the board of directors of the regional council, engage in educational activities.”

5. Section 84 of the said Act is amended

(1) by replacing the words “fourth Sunday of May” in the second line of the first paragraph by the words “Sunday, in the month of May, determined by the regional council”;

(2) by replacing the figure “15” in the first line of the second paragraph by the figure “1”;

(3) by inserting, after the first sentence of the second paragraph, the following sentence: “The notice must indicate the date of the meeting.”

6. Section 95 of the said Act is amended by inserting, after the first paragraph, the following paragraphs:

“A director general may, however, be a minority shareholder of a corporation which operates an undertaking referred to in the first paragraph if the shares of the corporation are listed on a recognized stock exchange and if the director general is not an insider of the corporation within the meaning of section 89 of the Securities Act (R.S.Q., chapter V-1.1).

A director general who is forfeited of office becomes disqualified from holding any office or employment in any public establishment or regional council for a period of three years from the date of the forfeiture.

The board of directors of a public establishment must, on becoming aware that its director general is in a situation of conflict of interest, take measures in view of instituting proceedings for forfeiture of office against him. It must, also, within the ten following days, inform the Minister thereof and indicate to him the nature of the situation and of the measures taken.

The resignation of a director general by reason of a conflict of interest shall terminate any proceedings for forfeiture of office instituted against him on that ground.”

7. Section 104 of the said Act is amended by replacing the third, fourth and fifth paragraphs by the following paragraphs:

“The director general of a public establishment shall, under pain of forfeiture of office, devote himself exclusively to the work of the establishment and the duties of his office. He shall not hold, outside the establishment, any other employment, office or function or provide any other service for which a remuneration or any direct or indirect benefit is paid or granted to him.

A director general who is forfeited of office becomes disqualified from holding any office or employment in any public establishment or regional council for a period of three years from the date of the forfeiture.

The board of directors of a public establishment must, on becoming aware that its director general is contravening the clause of exclusivity of office, take measures in view of instituting proceedings for forfeiture of office against him. It must, also, within the ten following days, inform the Minister thereof and indicate to him the nature of the situation and of the measures taken.

The resignation of a director general by reason of a contravention of the third paragraph shall terminate any proceedings for forfeiture of office instituted against him on that ground.

A director general may, however, with the authorization of the Minister and of the board of directors of the establishment, hold an office, provide services or assume duties in addition to his regular duties.

Similarly, a director general may be the director general of more than one public establishment or of a public establishment and a regional council if so authorized by the Minister and the boards of directors thereof.

A director general may also hold an elective public office or, with the authorization of the board of directors of the public establishment, engage in educational activities.”

8. Section 126 of the said Act is amended

(1) by striking out the words “, in accordance with the regulations,” in the second line of the first paragraph;

(2) by replacing the second paragraph by the following paragraph:

“The members of the board of directors must then make public, in accordance with the regulations, such items of information as are prescribed with respect to the financial statements of the establishment. They must also answer any question put to them respecting the financial statements, the services provided by the establishment and the relations it has with the other establishments and with the regional council of the region in which it is situated.”

9. The said Act is amended by inserting, after section 134, the following section:

“134.1 No director general or senior or intermediate officer of a public establishment may accept any sum of money or any direct or indirect benefit from any foundation or corporation which solicits funds or donations from the public for purposes related to health services or social services.

Any public establishment which receives any sum of money or any direct or indirect benefit from a foundation or corporation referred to in the first paragraph must report it in a schedule forming part of its financial statements and indicate the purpose for which such sum of money or such benefit was paid or granted.

10. Section 154 of the said Act is amended by replacing the first sentence of the second paragraph by the following sentence:

“The Government may establish by regulation, for the persons contemplated in subparagraphs 1 and 2 of the first paragraph, a procedure of appeal for cases of dismissal, non-renewal or termination of appointment other than cases resulting from proceedings for forfeiture of office.”

11. The said Act is amended by inserting, after section 154, the following section:

“**154.1** The Government may establish by regulation, for the senior and intermediate officers of a regional council or public establishment, standards with respect to conflicts of interest and exclusivity of office.

No senior or intermediate officer may, under pain of forfeiture of office, contravene any of the standards established under the first paragraph.

A senior or intermediate officer who is forfeited of office becomes disqualified from holding any office or employment in any regional council or public establishment for a period of three years from the date of forfeiture.

The resignation of a senior officer by reason of the contravention of the second paragraph shall terminate any proceedings for forfeiture of office instituted against him on that ground.”

12. The said Act is amended by inserting, after section 162, the following section:

“**162.1** Proceedings for forfeiture of office under sections 31, 37, 95, 104 and 154.1 shall be instituted exclusively by the regional council or public establishment concerned or by the Minister.”

13. Section 173 of the said Act is amended by inserting, after subparagraph *o* of the first paragraph, the following subparagraph:

“(o.1) determine the items of information with respect to financial statements that a public establishment or a regional council must make public at the time of the annual public information meeting held by it and the form in which they are to be presented;”.

14. Section 179 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

“Notwithstanding the first paragraph, every director general, senior officer or intermediate officer of a public establishment who contravenes the first paragraph of section 134.1 is guilty of an offence and is liable, on summary proceedings, in addition to costs, to a fine equal to twice the sum of money or value of the benefit he received.”

15. This Act comes into force on (*insert here the date of the tenth day following that of the assent to this Act*) but sections 3, 4, 6, 7, 10, 11 and 12 shall have effect in respect of a director general or a senior or intermediate officer of a regional council or public establishment in office on that date only three months after that date.