

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 27

**An Act to amend various legislation in the field of health
and social services**

First reading

Second reading

Third reading

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EXPLANATORY NOTES

This bill amends, mainly, the Health Insurance Act, the Act respecting health services and social services and the Public Health Protection Act.

The Health Insurance Act is amended

(1) to determine the juridical framework within which the Minister may make, with the bodies that are the most representative of professionals in the field of health, agreements concerning their conditions of employment and ensuring the availability of health services in territories that he considers inadequately provided;

(2) to authorize the Régie de l'assurance-maladie to communicate information enabling, in certain cases, various persons or agencies involved in the management of medical services to perform their functions;

(3) to provide that certain medical services might in certain cases, conditions or circumstances determined by regulation of the Government no longer be considered insured services;

(4) to rearrange the provisions of the Act dealing with the arbitration of disputes, research scholarships or with offences and penalties, as well as other provisions of a technical nature.

The bill amends the Act respecting health services and social services to change the composition of the board of directors of regional councils and establishments with regard to the number of members and their representativeness. It amends the powers of regional councils to enable them to coordinate the management of the resources of the establishments within a territory.

The bill amends the role of persons working in hospital centres, in particular, that of heads of clinical departments and the council of physicians and dentists and provides for the setting up of recipients' committees. It specifies the powers of a hospital centre in respect of the management of the resources at its disposal.

It enables the Minister to rationalize the provision of health services and social services by health establishments.

The bill provides for a rearrangement of the regulatory powers of the Government and concordance adjustments.

With respect to the Public Health Protection Act, the bill specifies what constitutes a disease that must be declared and sets up rules for the communication of data in that respect. It also provides for the organization of ambulance services in the various regions.

Finally, the bill provides certain necessary adjustments to the Act respecting the Ministère des Affaires sociales, the Act respecting the Régie de l'assurance-maladie du Québec, the Medical Act and the Dental Act.

Bill 27

An Act to amend various legislation in the field of health
and social services

HER MAJESTY, with the advice and consent of the National
Assembly of Québec, enacts as follows:

1. Section 3 of the Health Insurance Act (R.S.Q., chapter A-26), amended by section 2 of chapter 1 and section 273 of chapter 63 of the statutes of 1979, is again amended by replacing the ninth and tenth paragraphs by the following paragraphs:

“However, the services contemplated in the first paragraph to which a person is entitled under the Act respecting health services and social services (R.S.Q., chapter S-5) and the Hospital Insurance Act (R.S.Q., chapter A-28) or which are rendered pursuant to the Act respecting occupational health and safety (1979, chapter 63) remain insured services under this Act.

The Board also assumes, in accordance with the provisions of an agreement, the cost of the services required of a professional in the field of health by an establishment to carry out administrative tasks related to the organization and operation of the services provided in such establishment.

Any service rendered by a physician who is in a period of training to obtain a specialist's certificate is not an insured service except if it is furnished in an establishment other than where he is in a period of training.”

2. Section 4 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**4.** The Minister shall prepare a list of the medications of which the Board assumes the cost under the third paragraph of section 3; such list indicates in particular the generic name, brand name, manufacturer's name and the price or method of fixing the

price of each medication and of the maximum amount, where such is the case, of which the Board assumes the payment in such cases, conditions or circumstances as it may determine.”

3. Section 15 of the said Act is amended by replacing the fourth paragraph by the following paragraph:

“If the total amount of the reimbursements or adjustments to be made as regards one person under a contract made for not more than one year is less than \$5, the amount shall not be exigible but it shall be remitted to the Minister to be paid to the Conseil de la recherche en santé du Québec contemplated in section 96.”

4. Section 19 of the said Act is amended by replacing the first and second paragraphs by the following paragraphs:

“**19.** With the approval of the Government, the Minister may make with bodies representing any class of professionals in the field of health any agreement respecting the conditions of employment of such professionals for the purposes of the carrying out of this Act.

An agreement may prescribe a different remuneration for the furnishing of medical services in a territory where the Minister is of the opinion that the number of professionals in the field of health is insufficient.

It may also provide a different remuneration for physicians during the first years of practice of their profession or speciality within the scope of the plan, according to the territory where they practice.

The Minister shall determine, by order published in the *Gazette officielle du Québec*, after consultation with the bodies representing professionals in the field of health, the territories that in his opinion are insufficiently provided with professionals. Such order may contemplate all of the professionals in a territory or part of them, taking into account the nature of their activity.

Failing an agreement determining the different remuneration contemplated in the third paragraph, the Government may fix such remuneration by order published in the *Gazette officielle du Québec*; this order takes the place of an agreement. It may similarly determine the number of years of practice of a physician during which such remuneration applies, but that number must not exceed three years.

The Minister may, as an experiment, render, by order, a method of remuneration prescribed in an agreement applicable to

all the professionals in a department or to all the professionals who practice the same kind of activity in the department, provided that the professionals concerned in the department, as well as the board of directors and the council of physicians and dentists of the establishment, agree.

If the Minister is of the opinion that the absence of medical services in a region endangers public health, he may, to allow medical services to be furnished in an establishment, agree with any professional in the field of health on conditions of employment different from those provided for in an agreement”.

5. Section 22 of the said Act, amended by section 15 of chapter 1 of the statutes of 1979, is again amended:

(1) by adding, at the end of the fourth paragraph, the following: “However, a pharmacist may exact the difference between the price of the medication indicated on the list and the amount whose payment is assumed by the Board in the cases, conditions or circumstances prescribed.”;

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

“A professional in the field of health who contravenes the fourth, fifth or sixth paragraph, and every person who contravenes the seventh paragraph, is guilty of an offence and liable, on summary proceedings, in addition to costs, to a fine of not less than \$1 000 nor more than \$2 000 in the case of a first offence, and of not less than \$2 000 nor more than \$5 000 for any subsequent offence within two years.”

6. Section 22.1 of the said Act is amended by adding, after the first paragraph, the following paragraph:

“A professional in the field of health, or an establishment, to be entitled to remuneration by the Board, must submit to it his or its statement of fees duly completed within three months of the date on which the insured service was furnished. The Board may extend such period if a professional in the field of health or an establishment demonstrates to it that it was in fact impossible for him to act sooner, or in the case of death of a professional.”

7. Section 22.2 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

“22.2 Where the Board believes that services for which payment is claimed by a professional in the field of health or for which he has obtained payment in the thirty-six preceding months were services furnished in non-conformity with the agreement, the Board may refuse payment for such services or have them reimbursed by compensation or otherwise, as the case may be. Disputes resulting from this paragraph are settled by the council of arbitration instituted by section 54.”;

(2) by adding, after the fourth paragraph, the following paragraph:

“A professional in the field of health who wishes to appeal a decision of the Board before the competent court must do so within six months of receiving such decision.”

8. Section 31 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Every person who contravenes this section is guilty of an offence and liable, on summary proceedings, in addition to costs, to a fine of not less than \$1 000 nor more than \$2 000 and, for each subsequent offence within two years, to a fine of not less than \$2 000 nor more than \$5 000.”

9. Section 38 of the said Act, amended by section 26 of chapter 1 of the statutes of 1979, is replaced by the following section:

“38. Any recourse against the Board, by the application of this Act, a regulation or an agreement, for the recovery of remuneration or the payment or reimbursement of the cost of insured services is prescribed by six months from the decision of the Board giving rise thereto.

However, in the case of a beneficiary, such recourse is prescribed by two years from the date on which the insured service is furnished.”

10. Section 42 of the said Act is amended by adding, after the tenth paragraph, the following paragraph:

“At the end of their term, the members of a committee remain in office until they are re-appointed or replaced.”

11. Section 46 of the said Act is amended by replacing the first paragraph by the following paragraph:

“46. Three voting members, including the chairman or, if he is unable to act, the vice-chairman constitute a quorum.”

12. The said Act is amended by adding, after section 52, the following section:

“52.1 Sums owing to the Board pursuant to this Act bear interest at the rate fixed under section 28 of the Act respecting the Ministère du revenu (R.S.Q., chapter M-31).

The amount of such interest is recoverable in the same manner as the principal debt.”

13. Section 54 of the said Act is replaced by the following section:

“54. A dispute resulting from the interpretation or application of an agreement is submitted to a council of arbitration, to the exclusion of any court of civil jurisdiction.

The composition of the council of arbitration and the appointment of its members may be determined in an agreement. If the composition and appointment are not so determined, they are determined by the Minister after consultation with the bodies representing professionals in the field of health.”

14. The said Act is amended by adding, after section 54, the following section:

“54.1 The Minister shall appoint the clerk of the council of arbitration. The clerk is remunerated by the Board.”

15. Section 58 of the said Act is replaced by the following section:

“58. Upon application by the parties or the council of arbitration, the witnesses shall be summoned by a written order, signed by the clerk of the council, who may administer the oath.”

16. Section 61 of the said Act is amended by replacing the fourth paragraph by the following paragraph:

“The clerk of the council shall send the award of the council to the parties by registered or certified mail.”

17. Section 62 of the said Act is replaced by the following section:

“62. The award of a council of arbitration binds the parties; it shall be homologated, at the request of one of the parties, by the

Superior Court or the Provincial Court according to their respective jurisdictions, and the judgment is then executory under the authority of the court which homologated the award.”

18. Section 64 of the said Act, amended by section 40 of chapter 1 of the statutes of 1979, is again amended

(1) by replacing the introductory clause of the third paragraph by the following clause:

“The Board must, in the cases, conditions or circumstances determined by regulation, send to every beneficiary for whom it has paid insured services a statement giving”;

(2) by striking out the fourth and fifth paragraphs.

19. Section 65 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

“**65.** Section 63 does not prohibit the disclosure of information obtained for the carrying out of this Act to the Bureau of the Corporation professionnelle des médecins du Québec, the Bureau of the Corporation professionnelle des dentistes du Québec, the Bureau of the Corporation professionnelle des optométristes du Québec, the Bureau of the Corporation professionnelle des pharmaciens du Québec, or to the committee on discipline or the professional inspection committee of each of such corporations or regarding the professionals of an establishment instituted under the Act respecting health services and social services, to the council of physicians and dentists of such establishment.”;

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

“It may also, with the authorization of the Government, on such conditions as it may determine, transmit the same information to the following departments or agencies of the Gouvernement du Québec: the Ministère des Affaires sociales, the Ministère du Travail, de la Main-d’oeuvre et de la Sécurité du revenu, the Ministère des Transports, the Ministère du Loisir, de la Chasse et de la Pêche, the Ministère de l’Éducation, the Ministère des Communautés culturelles et de l’Immigration, the Ministère du Revenu, the Régie des rentes du Québec, the Régie de l’assurance automobile du Québec, the Commission de la santé et de la sécurité du travail and the Commission des normes du travail.”

20. This Act is amended by adding, after section 66, the following section:

“66.1. The Board shall send to the Minister or to the council of physicians and dentists of an establishment, upon request, the group practice profile of the professionals in the field of health, for each clinical department of an establishment or for each kind of activities practised in an establishment.

The Board shall send to the head of a clinical department of a hospital centre, upon request, the individual practice profile of professionals in the field of health who practise their profession in his department.

The Government may, by regulation, determine the information that must be given in the practice profile.”

21. Section 67 of the said Act, amended by section 37 of chapter 9 of the statutes of 1981, is again amended by adding after the first paragraph, the following paragraph:

“The disclosure, to the Minister or to the person specially designated by him for that purpose, of information respecting any remuneration paid to all the professionals in the field of health of a region or of an establishment or practising the same activity in an establishment or a region is not prohibited, notwithstanding that it may be possible to connect it, by reason of circumstances, to a professional in the field of health.”

22. The said Act is amended by adding, after section 68, the following section:

“68.1 The Commission sur la santé et la sécurité du travail, the Régie de l'assurance automobile du Québec and any university must furnish to the Board, at the request of its general manager, the amount of the remuneration paid to the whole body of professionals in the field of health who are subject to the application of an agreement, or to a class of them according to the nature of the activities they practise.”

23. Section 69 of the said Act is amended

(1) by inserting, after subparagraph *b* of the first paragraph, the following subparagraph:

“(b.1) prescribe the cases, conditions or circumstances in which the services contemplated in section 3 are not considered insured services for all beneficiaries or those beneficiaries it indicates;”;

(2) by replacing subparagraph *f* of the first paragraph by the following subparagraph:

“(f) prescribe, beyond the amount whose payment is assumed by the Board in conformity with section 4, the amount or the mode

of fixing the fees which may be required from beneficiaries by a pharmacist, the terms and conditions under which they are to be collected and the cases of total or partial exemption, with or without conditions;”;

(3) by replacing subparagraph *h* by the following subparagraph:

“(h) determine which prostheses, orthopedic devices, apparatus or other equipment are deemed insured services for the purposes of the fifth paragraph of section 3, fix the amount that may be reimbursed to all beneficiaries or those beneficiaries it indicates for the purchase, fitting, replacement and repair of such equipment and prescribe cases, conditions or circumstances in which they may be furnished, fitted, replaced or repaired;”;

(4) by replacing subparagraphs *q* and *r* of the first paragraph by the following subparagraph:

“(q) determine the cases, conditions or circumstances in which the Board must send to a beneficiary a statement of insured services that it has paid for him, and how often it must send it;”;

(5) by adding, after subparagraph *t* of the first paragraph, the following subparagraphs:

“(u) determine the information that must be given in a group or individual practice profile sent by the Board according to the kind of activities practised by professionals or the kind of services provided by a clinical department of an establishment;

“(v) determine the conditions required for the cost of medications to be assumed by the Board.”;

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

“The Minister shall publish the draft regulations contemplated in subparagraph *b* or *b.1* of the first paragraph in the *Gazette officielle du Québec* with a notice that they will be considered by the Government at the expiry of thirty days following such publication.”

24. Section 73 of the said Act is amended by adding, after the first paragraph, the following paragraph:

“However, any regulation of which the Minister has caused a draft to be published in the *Gazette officielle du Québec* comes into force on the date of publication in the *Gazette officielle du Québec* of a notice that it has been adopted by the Government or, if amended by the latter, on the date of publication of its final text or on a later date fixed in the notice or final text.”

25. Section 74 of the said Act is replaced by the following section:

“74. No person may knowingly obtain or receive from the Board, directly or indirectly, the benefit of services which he is not entitled to obtain or receive under this Act, the regulations or a plan or program administered by the Board, or knowingly so obtain or receive the benefit of insured services in an excessive or unjustified manner.

No person may knowingly aid or abet another person in obtaining or receiving from the Board, directly or indirectly, the benefit of insured services that such other person is not entitled to obtain or receive under this Act, the regulations or a plan or program administered by the Board, or knowingly aid or abet another person in so obtaining or receiving the benefit of the insured services in an excessive or unjustified manner.

Every person who contravenes this section is guilty of an offence and liable, on summary proceedings, in addition to costs, to a fine of not more than \$500 and, for each subsequent offence within two years, to a fine of not less than \$100 nor more than \$1 000.”

26. Section 75 of the said Act is replaced by the following section:

“75. Every person who contravenes section 63 is guilty of an offence and liable, on summary proceedings, in addition to costs, to a fine of not less than \$50 nor more than \$500, and, for each subsequent offence within two years, to a fine of not less than \$50 nor more than \$1 000.

Every person who knowingly contravenes section 63 is guilty of an offence and liable, on summary proceedings, in addition to costs, to a fine of not less than \$1 000 nor more than \$5 000, and, for each subsequent offence within two years, to a fine of not less than \$5 000 nor more than \$10 000.”

27. Section 76 of the said Act is replaced by the following section:

“76. Every person who contravenes any provision of this Act or the regulations for which no penalty is provided is guilty of an offence and liable, on summary proceedings, in addition to costs, to a fine of not more than \$1 000.”

28. Section 77 of the said Act is amended by replacing the first paragraph by the following paragraph:

“77. Where a professional in the field of health prosecuted under the Criminal Code is found guilty of an infraction or an indictable offence in connection with a claim made to the Board or

paid by it, the Board shall, upon pronouncement of final judgment, issue a written order whereby that professional is considered to be a non-participating professional for a period of six months in the case of a first conviction and one year in the case of a subsequent conviction.”

29. Section 88 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The scholars shall furnish such services, after obtaining a permit to practise one of the health sciences or a specialist’s certificate, in a territory and for a period fixed by the Minister.”

30. Division XII of the said Act is amended by replacing sections 96 to 98 and 103 by the following sections:

“96. No one shall be entitled to a research scholarship if, in the opinion of the Fonds de la recherche en santé du Québec, a non-profit corporation established pursuant to the Companies Act,:

(1) he is not domiciled in Québec;

(2) he does not have a working knowledge of the official language of Québec;

(3) he is not pursuing, in an establishment affiliated with a university or in a university body, research in connection with one of the health sciences.

“97. The fund may constitute one or several juries, each composed of not less than three members, who shall examine the persons who apply for research scholarships.

The object of such examinations shall be to determine the aptitude of the candidates to accomplish their work in accordance with their engagements.

The members of each jury shall be appointed by the Minister from among the persons whose names appear on a list to be furnished for that purpose by the fund.

“98. Each jury shall send a written report of its examination to the fund which shall send the list of admissible candidates that it recommends as recipients of research scholarships.

“103. The amount of research scholarships granted by the Minister for each fiscal year shall be paid to the Minister by the Board up to a total amount equal to 0.2% of the total remuneration paid to the professionals in the field of health during the preceding fiscal year; the Board shall, in its annual report, make a separate statement of the sums thus paid.”

31. The said Act is amended by adding, after the heading of Division XIII, the following section:

“104.1 This Act is of public order.

Any provision of an agreement that would be contrary to this Act or a regulation or order made under this Act is deemed unwritten.”

32. Section 11 of the Act respecting the Ministère des affaires sociales is replaced by the following sections:

“11. The Government may establish councils or committees, subject to the functions assigned to any council or committee established by another Act, entrusted with advising the Minister in matters of health services or social services and with exercising, under his authority, any other functions the Government may entrust them with in the execution of the Acts for the application of which the Minister may be responsible; the Government may appoint the members of such bodies, fix their attendance allowances and fees and their terms of office.

“11.1 The Government may authorize the Minister to delegate to the Fonds de la recherche en santé du Québec, a non-profit corporation established by letters patent issued 7 April 1981 under the Companies Act, the powers granted to it in Division XII of the Health Insurance Act for the awarding of research scholarships.

The Minister may appoint the president of the fund.”

33. The Medical Act (R.S.Q., chapter M-9) is amended by inserting, after section 18, the following section:

“18.1 The Bureau must, within thirty days of the end of an inquiry made pursuant to section 16 or 18, send a copy of its report of inquiry to the council of physicians and dentists of the establishment to which a physician contemplated in the inquiry is attached.”

34. The Dental Act (R.S.Q., chapter D-3) is amended by adding, after section 18, the following section:

“18.1 The Bureau must, within thirty days of an inquiry made pursuant to section 16 or 18, send a copy of its report of inquiry to the council of physicians and dentists of the establishment to which a dentist contemplated in the inquiry is attached.”

35. Section 25 of the Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5) is amended by replacing the first paragraph by the following paragraph:

“25. Not later than 31 July each year, the Board shall submit to the Minister of Social Affairs a report of its activities for its previous fiscal year; such report shall also contain all the information which the Minister of Social Affairs may prescribe.”

36. Section 1 of the Act respecting health services and social services (R.S.Q., chapter S-5), amended by section 82 of chapter 85 of the statutes of 1979, is again amended

(1) by replacing subparagraph *a* of the first paragraph by the following subparagraph:

“(a) “establishment”: a local community service centre, a hospital centre, a social service centre or a reception centre;”;

(2) by striking out subparagraph *i* of the first paragraph;

(3) by replacing subparagraph *q* of the first paragraph by the following subparagraph:

“(q) “user”: every person who holds a card or is entered on a register showing that a local community service centre or a social service centre has furnished services to him within the last two years, excepting, however, any person holding an employment or practising his profession in such a centre and any person being a member of a non-profit corporation other than a corporation incorporated under this Act and the owner of immoveable assets of such a centre;”;

(4) by replacing the second paragraph by the following paragraphs:

“For the purposes of this Act, a person being the holder of a college or university diploma who occupies a position with the establishment characteristic of the field of such diploma and directly connected with health services, social services, research or teaching, and a person who carries on the professional activities of a nurse or a nursing assistant for the establishment are members of the clinical staff of the establishment.

Except in the regions contemplated in Divisions III and IV of this Act, a physician or dentist is not a member of the clinical staff of an establishment where a council of physicians and dentists is constituted in the establishment.”

37. Section 10 of the said Act is amended by replacing paragraph *b* by the following paragraph:

“(b) every hospital centre or social service centre maintained by a non-profit corporation;”.

38. Section 18 of the said Act is amended

(1) by replacing paragraph *e* by the following paragraph:

“(e) to organize the exchange of goods and services, their proper distribution and the elimination of duplication in the region and, for such purpose, to carry out the following exclusive functions:

i. to establish and administer programs for the supply of goods and services common to the establishments in its region;

ii. to provide such goods and services or, with the written authorization of the Minister, to give a mandate to a non-profit corporation to provide them;

iii. to group together services that are provided by several establishments;”;

(2) by adding, at the end, the following paragraph:

“(h) to carry out, within its territory, every other function entrusted to it by the Minister under the Act.”

39. The said Act is amended by adding the following sections after section 18:

“18.1 A regional council designated by regulation may also have the following functions:

(1) to establish policies on admissions and transfers of recipients to establishments in its region, except admissions and transfers pursuant to the Youth Protection Act (R.S.Q., chapter P-34.1);

(2) to fix operating standards on emergency services in such establishments;

(3) to fix standards on the use and apportionment of beds in such establishments;

(4) devise and set up a regional information system to provide daily information on the situation in the public and private establishments contemplated in sections 176 and 177 in its territory regarding registrations and admissions of recipients, and their transfer and transport by ambulance;

(5) set up a communications centre for the distribution of emergency cases, with which every holder of an ambulance service permit within the meaning of the Public Health Protection Act (R.S.Q., chapter P-35) must register;

(6) make recommendations for the review of the ambulance transport system in its territory.

“18.2 A regional council designated by regulation is the only authority empowered

(1) to authorize the transfer of a recipient to another establishment when an establishment remains overcrowded after applying all the prescribed procedures;

(2) to receive calls requesting ambulance service from the population in its territory or from public or private establishments contemplated in sections 176 and 177 in its territory, and to distribute the requests among the holders of ambulance service permits.

“**18.3** An establishment is bound by any decision of a regional council taken under paragraph *e* of section 18 or under section 18.1 or 18.2, or within a function entrusted to it by the Minister or the Government in accordance with paragraphs *d*, *g* and *h* of section 18.”

40. Section 23 of the said Act is amended by adding, at the end, the following paragraph:

“A regional council must take such means as it deems appropriate to inform the population in its territory about its activities.”

41. Section 24 of the said Act is amended by replacing the first five paragraphs by the following paragraphs:

“**24.** The powers of a regional council shall be exercised by a board of directors composed of fourteen members including the general manager. The members must reside or hold a regular employment in the region for which the regional council is established.

Two members shall be elected for three years by the mayors of the municipalities of the region.

Three members shall be appointed for three years by the Minister after consultation with the most representative socio-economic groups in the region.

The other members shall be appointed for three years by the following bodies of the region:

- (a) one by the hospital centres;
- (b) one by the councils of physicians and dentists constituted in the establishments and chosen among their members;
- (c) one by the local community service centres;
- (d) one by the social service centres;
- (e) one by the reception centres;
- (f) one by the universities;
- (g) one by the general and vocational colleges;

(h) one by the voluntary bodies in the region working in the fields of health and social services and recognized as such by the regional council.

Failing any of these classes of bodies in the region or if the election or appointment of a member does not take place, the Minister shall make the appointment after consulting the board of directors of the regional council.

Excepting the person appointed under subparagraph *b* of the fourth paragraph, no member of a regional council may hold any employment or practise his profession in an establishment except as a director.”

42. Section 25 of the said Act is repealed.

43. Section 26 of the said Act is replaced by the following section:

“**26.** The term of office of the members of the board of directors of a regional council may be renewed consecutively once.”

44. Section 27 of the said Act is replaced by the following section:

“**27.** The regional council may pay a remuneration to its members or reimburse their travel expenses within such limits as are determined by Government regulation established according to the functions of the members.

Such regulation may prescribe the proportion of the remuneration that may be paid to the members of the council as compensation for part of their expenses.”

45. Section 33 of the said Act is repealed.

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

“**37.** The general manager of a regional council shall devote himself full time to the discharge of his duties.

However, he may, at the request of the Minister and with the authorization of the board of directors of the regional council, assume additional duties related to the administration of health services and social services.”

47. Section 38 of the said Act is amended by repealing the second paragraph.

48. Section 64 of the said Act is amended by repealing subparagraph *c* of the first paragraph.

49. Section 70 of the said Act, amended by section 325 of chapter 63 of the statutes of 1979, is replaced by the following section:

“70. The organization plan of a hospital centre must also provide for the formation of clinical departments and services as well as the number of physicians and dentists who may practise their professions in each of such departments and services according to its permit and the financial resources at its disposal.

The board of directors of a hospital centre must, after consultation with the council of physicians and dentists, send such part of the organization plan to the Minister for approval. Before granting his approval, the Minister must consult the regional council concerned.

In addition, the organization plan of a hospital centre designated by the Government must provide for the organization of a community health department.”

50. The said Act is amended by adding, after section 70, the following section:

“70.1 No hospital centre may offer new services of such a nature as to necessitate teams of professionals and very highly specialized equipment determined by regulation before obtaining authorization in writing from the Minister. Before granting such authorization, the Minister shall consult the regional council concerned.”

51. The said Act is amended by adding the following section after section 71:

“71.1 Every head of a clinical department of a hospital centre is responsible for the management of the resources of his department, and for the use of the resources of the establishment by the physicians and dentists of his department. He supervises the practice of medicine in his department.

He shall see to the application of the standards determined by the council of physicians and dentists in accordance with section 112.1, regarding provision of required care and use of available resources, and he shall impose the administrative sanctions that may be provided for therein; in the latter case, he shall so notify the council of physicians and dentists in the establishment.”

52. Section 72 of the said Act is replaced by the following section:

“72. No person may, without prior consultation with the regional council concerned and prior authorization of the Government,

(1) acquire, construct, alter or demolish an immovable for the purposes of an establishment;

(2) alienate an immovable owned by any establishment and used for the pursuit of its objects;

(3) cease to operate an establishment.

However, the authorization of the Government is unnecessary for construction, alteration or demolition projects where the estimated cost of the work payable by the establishment is less than the amount fixed by regulation. In such a case, the written authorization of the regional council concerned is sufficient.

In no case may an establishment take or grant a lease on an immovable required for the pursuit of its objects without the authorization of the regional council concerned.”

53. Section 72.1 of the said Act is repealed.

54. Section 75 of the said Act is replaced by the following section:

“75. Every contract made by an establishment without the authorization of the Government, the Minister or the regional council concerned is null in all cases where such authorization is required by this Act.”

55. Section 77 of the said Act is amended by replacing the first and second paragraphs by the following paragraphs:

“77. No person may form part of more than one electoral college for one class of establishments or vote in more than one establishment of the same class. The groups contemplated in paragraphs *g*, *h* and *i* of sections 78, 79 and 82 and in paragraphs *f*, *g* and *h* of section 81 are not considered electoral colleges.

When a user is under 18 years of age, his right to vote shall be exercised by one of his parents. However, no person may vote more than once as such, and when one parent exercises such right to vote, the other parent shall enjoy no right to vote as such, irrespective of the number of their children having received services.”

56. Section 78 of the said Act is replaced by the following section:

“78. A local community service centre shall be administered by a board of directors consisting of the following members, who shall be members of it upon their election or appointment:

(a) four persons of full age elected by the meeting of the users of the centre and chosen among such users; where there is a recipients’ committee, one of such persons must be elected by the committee and chosen among its members;

(b) one person appointed in writing by the regional council concerned and chosen among the members of the voluntary bodies of the region working in the fields of health and social services and recognized as such by the regional council;

(c) two persons appointed in writing by the Minister after consultation with the most representative socio-economic groups in the territory served by the centre;

(d) one person elected by the clinical staff advisory council constituted in the centre and chosen among the members of such council;

(e) one person elected by the meeting of the members of the non-clinical staff employed by the centre and chosen among such members;

(f) one person elected by the council of physicians and dentists and chosen among the members of such council;

(g) one person elected by the board of directors of the hospital centre situated in the territory served by the centre or, where there are several centres, elected jointly by the boards of directors of such centres;

(h) one person elected by the board of directors of the reception centre situated in the territory served by the centre or, where there are several centres, elected jointly by the boards of directors of such centres;

(i) one person elected by the board of directors of the social service centre situated in the territory served by the centre or, where there are several centres, elected jointly by the boards of directors of such centres;

(j) the general manager of the centre.”

57. Section 79 of the said Act is replaced by the following section:

“79. A hospital centre shall be administered by a board of directors composed of the following members, who shall be members of it upon their election or appointment:

(a) where there is a recipients’ committee, one person elected by such committee and chosen among its members;

(b) one person appointed in writing by the regional council concerned and chosen among the members of the voluntary bodies of the region working in the fields of health and social services and recognized as such by the regional council;

(c) two persons appointed in writing by the Minister after consultation with the most representative socio-economic groups in the territory served by the centre;

(d) one person elected by the clinical staff advisory council constituted in the centre and chosen among the members of such council;

(e) one person elected by the meeting of the members of the non-clinical staff employed by the centre and chosen among such members;

(f) one person elected by the council of physicians and dentists and chosen among the members of such council;

(g) one person elected by the board of directors of the local social service centre situated in the territory served by the centre or, where there are several centres, elected jointly by the boards of directors of such centres;

(h) one person elected by the board of directors of the reception centre situated in the territory served by the centre or, where there are several centres, elected jointly by the boards of directors of such centres;

(i) one person elected by the board of directors of the social service centre situated in the territory served by the centre or, where there are several centres, elected jointly by the boards of directors of such centres;

(j) in the case of a hospital centre whose immoveable assets are owned by a non-profit corporation other than a corporation constituted under this Act, one person elected by the members of such corporation;

(k) in the case of an establishment affiliated with a university, one person appointed by such university;

(l) the general manager of the centre.”

58. Section 80 of the said Act is repealed.

59. Sections 81 and 82 of the said Act are replaced by the following sections:

“81. A social service centre shall be administered by a board of directors composed of the following members, who shall be members of it upon their election or appointment:

(a) two persons of full age elected by the meeting of the users of the centre and chosen among such users;

(b) one person appointed in writing by the regional council concerned and chosen among the members of the voluntary bodies of the region working in the fields of health and social services and recognized as such by the regional council;

(c) two persons appointed in writing by the Minister after consultation with the most representative socio-economic groups in the territory served by the centre;

(d) one person elected by the clinical staff advisory council constituted in the centre and chosen among the members of such council;

(e) one person elected by all the members of the non-clinical staff employed by the centre and chosen among such members;

(f) one person elected by the board of directors of the local community service centre situated in the territory served by the centre or, where there are several centres, elected jointly by the boards of directors of such centres;

(g) one person elected by the board of directors of the reception centre situated in the territory served by the centre or, where there are several centres, elected jointly by the boards of directors of such centres;

(h) one person elected by the board of directors of the hospital centre situated in the territory served by the centre or, where there are several centres, elected jointly by the boards of directors of such centres;

(i) in the case of a social service centre maintained by a corporation contemplated in paragraph *b* of section 10, one person elected by the members of such corporation;

(j) in the case of an establishment affiliated with a university, one person appointed by such university;

(k) the general manager of the centre.

“82. A reception centre shall be administered by a board of directors composed of the following members, who shall be members of it upon their election or appointment:

(a) one person elected by the recipients' committee and chosen among the members of such committee;

(b) one person appointed in writing by the regional council concerned and chosen among the members of the voluntary bodies of the region working in the fields of health and social services and recognized as such by the regional council;

(c) two persons appointed in writing by the Minister after consultation with the most representative socio-economic groups in the territory served by the centre;

(d) one person elected by the clinical staff advisory council constituted in the centre and chosen among the members of such council;

(e) one person elected by the meeting of the members of the non-clinical staff employed by the centre and chosen among such members;

(f) where a council of physicians and dentists is constituted in the centre, one person elected by the council and chosen among the members of such council;

(g) one person elected by the board of directors of the local community service centre situated in the territory served by the centre or, where there are several centres, elected jointly by the boards of directors of such centres;

(h) one person elected by the board of directors of the hospital centre situated in the territory served by the centre or, where there are several centres, elected jointly by the boards of directors of such centres;

(i) one person elected by the board of directors of the social service centre situated in the territory served by the centre or, where there are several centres, elected jointly by the boards of directors of such centres;

(j) in the case of a reception centre whose immoveable assets are owned by a non-profit corporation other than a corporation constituted under this Act, one person elected by the members of such corporation;

(k) in the case of an establishment affiliated with a university, one person appointed by such university;

(l) the general manager of the centre.”

60. The said Act is amended by inserting, after section 82, the following section:

“**82.1** Excepting the general manager, the term of office of the members of the boards of directors of the establishments contemplated in sections 78 to 82 is three years.”

61. Section 84 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

“84. The meeting contemplated in paragraph *a* of sections 78 and 81 must be held every three years on the fourth Sunday of May.”;

(2) by striking out the third paragraph.

62. Section 85 of the said Act is amended by striking out the second paragraph.

63. Section 86 of the said Act is amended by striking out the third paragraph.

64. Section 87 of the said Act is amended by striking out the figure “80” in the third line of the first paragraph.

65. Section 90 of the said Act is replaced by the following section:

“90. A person ceases to be a member of a board of directors of an establishment upon losing the qualifications necessary for his appointment or election, except a person elected under paragraph *a* of section 78 or 81.”

66. Section 91 of the said Act is amended by replacing the first and second paragraphs by the following paragraphs:

“91. Any vacancy occurring less than two years after the election or appointment of a member of the board of directors of an establishment shall be filled within a reasonable time by following the mode of election or appointment prescribed for the election or appointment of the member to be replaced, but only for the unexpired portion of the term of such member.

Any vacancy occurring more than two years after the election or appointment shall be filled, for the unexpired portion of the term of the member to be replaced, by a resolution of the members of the board who remain in office.”

67. Section 97 of the said Act is replaced by the following section:

“97. The administrative committee shall consist of the chairman of the board of directors, the general manager and four other members of the board of directors of the establishment appointed each year by such board, one of whom must be elected under paragraph *a* of section 78, 79, 81 or 82.”

68. Section 98 of the said Act is amended by striking out the words “or a functional rehabilitation centre” in the first and second lines of the first paragraph.

69. Section 99 of the said Act is amended by striking out the words “, other than a physician or dentist,” in the fourth line of the second paragraph.

70. Section 104 of the said Act is amended by replacing the third paragraph by the following paragraphs:

“The general manager of an establishment must devote himself full time to the discharge of his duties.

However, he may, at the request of the Minister and with the authorization of the board of directors of the establishment, assume additional duties related to the administration of health services and social services.

A person may be general manager of more than one public establishment if the boards of directors of such establishments consent to it.”

71. Section 105 of the said Act is amended by adding, after paragraph *f*, the following paragraphs:

“(g) in the case of a hospital centre, give to the heads of the clinical departments information on the financial and administrative consequences of the activities of the physicians and dentists in their departments;

“(h) in the case of an extended-care hospital centre, an establishment offering such service or a reception centre, meet periodically with the recipients’ committee to inform it about the general administration of the centre.”

72. Section 111 of the said Act is replaced by the following section:

“**111.** A council of physicians and dentists shall be constituted in every hospital centre or local community service centre where at least three physicians or dentists are practising.

Such council shall consist of all the physicians and dentists who practise their profession in the establishment and, in the case of a hospital centre, who enjoy the status required by regulation.”

73. Section 112 of the said Act is amended by adding, at the end, the following paragraph:

“The council of physicians and dentists of a hospital centre shall also perform such other duties as are determined by regulation.”

74. The said Act is amended by adding, after section 112, the following section:

“112.1 The council of physicians and dentists of a hospital centre must adopt standards for each clinical department regarding the provision of required care and the use of available resources.

Such standards may provide for administrative sanctions in order, in particular, to limit or suspend the right of a physician or dentist to use the available resources in the hospital centre. Any prescription of such standards establishing an administrative sanction comes into force on approval by the board of directors of the hospital centre.”

75. Section 114 of the said Act is amended by replacing the first and second paragraphs by the following paragraphs:

“114. The clinical staff advisory council and the council of physicians and dentists may make by-laws for their internal management, the creation and functioning of committees and the pursuit of their objects. Such by-laws come into force on approval by the board of directors.

In the case of a hospital centre, the council of physicians and dentists must constitute the committees determined by by-law.”

76. Section 116 of the said Act is amended by replacing the first paragraph by the following paragraph:

“116. The board of directors of every hospital centre or social service centre must appoint a director of professional services.”

77. Section 118 of the said Act is amended by replacing paragraph *a* by the following paragraph:

“(a) coordinate and supervise the activities of the heads of the clinical departments and the professional and scientific activities carried on in the establishment, subject to the responsibilities given by regulation or the organization plan to the other directors in respect of health professionals other than physicians and dentists;”.

78. The said Act is amended by inserting, after section 118, the following subdivision:

“§ 6.1—*Recipients' Committee*

“118.1 Every extended-care hospital centre, every establishment offering such service and every reception centre must institute a recipients' committee.

Such committee shall consist of five members elected by the recipients, two of whom may be voluntary members. However, no such persons may be employees of the establishment, members of the corporation maintaining the establishment or members of the board of directors of the establishment.

The committee shall make by-laws for its internal management and the election or replacement of its members.

“**118.2** Parents and tutors of recipients less than eighteen years of age may be elected as members of a recipients’ committee.

“**118.3** Where the health of the recipients in an establishment does not allow them to be members of a recipients’ committee, the committee may be composed of volunteers chosen by the regional council concerned, after consultation with the board of directors of the establishment.

“**118.4** The general manager of the establishment must foster the proper functioning of the recipients’ committee and notify in writing every recipient, or every parent or tutor of a recipient less than eighteen years of age or whose health does not allow him to be a member of a committee, about the existence of such a committee.

The general manager must allow the recipients’ committee to use premises for its meetings, and make it possible for the committee to keep confidential records.

“**118.5** The functions of the recipients’ committee are

(1) to defend the collective interests of the recipients or, at the request of any recipient, his interests as a recipient, before the establishment or any other competent authority;

(2) to represent and assist, on request, any recipient who wishes to file a complaint as provided for in paragraph *c* of section 18;

(3) to participate in the organization of the recreational activities of the recipients and advise the board of directors of the establishment on any matter relating to recreation; and

(4) to inform the recipients about the general administration of the establishment.”

79. Section 121 of the said Act is amended by adding, at the end, the following paragraph:

“However, an establishment contemplated in paragraph *a* of section 10 or a public establishment whose immoveable assets have been acquired out of funds derived for the most part from Govern-

ment subsidies may be amalgamated in accordance with section 119 where the Minister considers, after consulting the regional council concerned, that the public interest warrants it. In such a case, the Minister shall publish in the *Gazette officielle du Québec* a notice of his intention to propose to the Government, thirty days after publication of such notice, that it order the amalgamation of such establishment and the issue of letters patent to that effect by the Minister of Cooperatives and Financial Institutions.”

80. Section 122 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**122.** Notice of the issue of letters patent under section 119, 120 or 121 must be published in the *Gazette officielle du Québec*.”

81. Section 124 of the said Act is replaced by the following section:

“**124.** Every public establishment may make contracts with any other establishment or body whereby it binds itself to make available or exchange professional services.

The Government may, by regulation, determine which contracts of professional services must be approved by the regional council concerned; such a contract is valid from its date of approval by the council. In all other cases, the contract is valid from the date on which it is filed with the council.”

82. Section 126 of the said Act is amended by replacing the fourth paragraph by the following paragraph:

“The annual public information meeting held under this section may take place at the same time as the meeting of users contemplated in paragraph *a* of section 78 or 81.”

83. Section 129 of the said Act is amended by adding, at the end, the following paragraphs:

“In the case of a hospital centre, the status and privileges that may be granted to a physician or a dentist are granted in accordance with the regulation.

Furthermore, the enjoyment of the privileges is subject to compliance with the standards adopted by the council of physicians and dentists in the centre.”

84. The said Act is amended by adding, after section 129, the following section:

“**129.1** The director of professional services, the chairman of the council of physicians and dentists or the head of a clinical

department may, in case of emergency, temporarily authorize a physician or a dentist to practise his profession in a hospital centre. In that case, the person who gives the authorization must so notify the general manager immediately.

Where there is a risk that the delay involved in obtaining the authorization could be prejudicial to a recipient, any physician or dentist may, without such authorization, give the treatment that the condition of the recipient requires.”

85. Section 130 of the said Act is amended by replacing the sixth paragraph by the following paragraphs:

“The board of directors of a hospital centre shall accept or refuse the candidature of a physician or dentist taking into account the organization plan contemplated in section 70, the number of physicians and dentists provided for in such organization plan and the cost of retaining the services of such physician or dentist.

The council may refuse the candidature of a physician or dentist on the basis of criteria of the qualifications, scientific competence or conduct of the physician or dentist.

Every refusal must be substantiated in writing.

Within thirty days after accepting a candidature, the council must notify the regional council concerned.”

86. Section 132 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**132.** Any physician or dentist who is not satisfied with a decision rendered in his regard under the seventh paragraph of section 130 or under section 131 may appeal to the Commission.”

87. Section 135 of the said Act is amended by striking out the words “, a functional rehabilitation centre” in the first line.

88. Section 139 of the said Act is replaced by the following sections:

“**139.** A permanent permit is granted for a period of two years ending on 31 March.

A temporary permit is granted for a period of less than two years.”

“**139.1** A permanent permit is renewed for two years if its holder fulfils the conditions prescribed by regulation.

However, the Minister may, after consultation with the regional council concerned, change the category, the class, the

kind or capacity indicated on the permit if he considers that public interest warrants it.

The decision of the Minister is final and without appeal; it is not considered a refusal of renewal for the purposes of subdivision 2 of this division.

The holder of a permit that has been modified must take the necessary steps to comply with the new permit within six months of receiving it."

89. Section 141 of the said Act is replaced by the following section:

"141. Every permit holder must, at the times fixed by regulation or, failing such, at the request of the Minister, furnish to the Minister, in such form as the latter may prescribe,

(1) a detailed report of his activities containing the information prescribed by regulation;

(2) financial statements certified by the auditor of the establishment, in the case of a public establishment or a private establishment contemplated in sections 176 and 177."

90. Section 144 of the said Act is repealed.

91. Section 150 of the said Act is amended by striking out the words "or a functional rehabilitation centre" in the first line of the second paragraph.

92. Section 152 of the said Act is amended by replacing the second paragraph by the following paragraph:

"A foster family must submit to the control and supervision of the social service centre through which children or adults have been entrusted to it."

93. Section 154 of the said Act is replaced by the following section:

"154. The Government may, by regulation, determine the standards and scales to be followed by regional councils, public establishments and the private establishments contemplated in sections 176 and 177, for

(1) the selection, appointment, remuneration and other conditions of employment of general managers and senior and intermediate officers;

(2) the remuneration and other conditions of employment of the other staff members, taking account of the collective agreements in force."

94. Section 173 of the said Act is amended

(1) by replacing subparagraph *e* to *p* of the first paragraph by the following subparagraphs:

“(*e*) determine for an establishment or a foster family in matters of hygiene, sanitation and safety,

i. the minimum conditions to be complied with;

ii. the cases and circumstances in which measures must be taken;

iii. those measures, where required;

“(*f*) determine the content, form and minimum amount of liability insurance contemplated in section 128 and of the other insurance to be taken out by an establishment;

“(*g*) determine the form and content of the application for issuing or renewing permits, the qualifications required of a person applying for a permit or its renewal, the requirements that person must meet and the information and documents he must furnish;

“(*h*) require, in the case of a profit-making establishment, that the permit holder give security, and determine the amount, form and term of the security and the modalities of its collection, payment, administration and use;

“(*i*) determine the divisions, services and departments to be included in the organization plan of an establishment, the role and activities of each and the qualifications and functions of the head of each such division, service and department;

“(*j*) determine the status and privileges that the board of directors of hospital centres may grant to physicians and dentists, and the scope thereof;

“(*k*) determine the functions that the council of physicians and dentists of a hospital centre is to perform, the committees the council is to establish, the functions of these committees and, if necessary, their composition;

“(*l*) determine what committees the board of directors is to establish, their composition, functions and powers, their operating rules, the qualifications of their members and the mode of appointment, election or replacement of their members;

“(*m*) prescribe standards respecting the accounting, finance, and budgets of public establishments and of private establishments under agreement, particularly in respect of

(i.) the preparation of the budgetary estimates and the date they are to be submitted to the board of directors:

(ii.) the approval of the budget by the Minister;

(iii.) allowable expenses for financing by the Minister, the activities with which they are connected and the cases or circumstances in which an establishment is entitled, in addition to the financing of its allowable expenses, to the reimbursement by the Minister of other expenses specified in the regulation;

(iv.) the modalities of payment of the sums to be paid to the establishments by the Minister;

(v.) the use of the revenues by the establishment, that is, the portion of those revenues that is to be returned to the Minister, used for such purpose as the latter prescribes, deducted from expenses or paid to the regional council concerned;

“(n) determine, in respect of establishments,

(i.) the standards governing borrowings, fees or the costs for the supply of goods or services, the accepting of gifts, and endowment funds or funds for special uses;

(ii.) the conditions governing supply, joint purchases and mandates given for that purpose, construction of immoveables, alienation of property, contracts relating to such matters and keeping of the related documents;

(iii.) the cases or circumstances in which the authorization of the Minister or of the regional council concerned is required, in addition to those provided for in section 72, in connection with the matters referred to in this paragraph;

“(o) compel an establishment to appoint an auditor for its financial statements or to use the services of an auditor appointed by the Minister and determine

(i) the items with which the auditor’s report is to deal;

(ii.) the time at which the report is to be sent to the board of directors and the Minister;

(iii.) the modalities of acceptance or refusal of the report by the board of directors;

“(p) determine in respect of establishments and regional councils, the books, accounts and statistics they must keep, the reports and information they must supply to the Minister and the time within which they must submit them;

“(q) determine the hospital centres that must offer and maintain an uninterrupted emergency service, determine the measures an establishment may or must take in emergencies and specify what an emergency is and, where required, the care it includes;

“(r) prescribe the rules to be observed by every establishment and every person carrying on an occupation therein in order

to preclude or cause to cease conflicts of interest to which occasion might be given by the award of contracts between those establishments and foster families or firms in which such persons hold a direct or indirect interest, and determine the measures the establishment or the Minister may take in that respect;

“(s) specify which establishments or laboratories are to be entrusted with the diagnostic tests that an establishment is unable to carry out itself and, when these cannot carry them out, the information the establishment must supply to the regional council concerned to obtain authorization to use another laboratory;

“(t) designate the regional councils that must perform the functions contemplated in section 18.1 or 18.2;

“(u) determine which of the professional service contracts entered into between a public establishment and another establishment or any other body are to be approved by the regional council concerned;

“(v) fix the maximum amount that may be paid by a regional council to the members of its board of directors as remuneration or travel expenses in accordance with section 27;

“(w) determine which services offered by a hospital centre require professional teams and very highly specialized equipment for the purposes of section 70.1;

“(x) generally prescribe any other useful measure for the application of this Act.”;

(2) by replacing the word “ninety” in the fourth line of the second paragraph by the word “sixty”.

95. The said Act is amended by adding, after section 173, the following section:

“**173.1** The Minister may, with the approval of the Conseil du Trésor, make regulations on the procedure for the awarding of professional service contracts by the establishments.

These regulations come into force on the date of their publication in the *Gazette officielle du Québec*.

An act performed by an establishment in violation of a directive contemplated in the first paragraph is null.”

96. Section 178 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**178.** Every public establishment and every private establishment under agreement must, not later than three months

before the end of its fiscal year and in the form and in accordance with the standards provided by regulation, submit its budget to the Minister for the next fiscal year. Such budget has no effect until it is approved by the Minister.”

97. Section 182 of the said Act, amended by section 13 of chapter 33 of the statutes of 1980, is again amended by adding, at the end, the following paragraphs:

“On receipt of the decision of the Minister, that person shall not, except in the case of a medical emergency or with the written authorization of the Minister, permit the relocation of the persons sheltered in that facility whose names are attached to the substantiated decision of the Minister.

Every person who contravenes the third paragraph of this section is guilty of an offence and liable, on summary proceedings, in addition to costs, to a fine of not less than \$2 000 nor more than \$5 000 in the case of an individual or a fine of not less than \$5 000 nor more than \$10 000 in the case of a corporation.”

98. Section 183 of the said Act is amended by replacing the words “, “local community service centre” or “functional rehabilitation centre”” in the third and fourth lines of the first paragraph by the following words: “or “local community service centre””.

99. Section 1 of the Public Health Protection Act (R.S.Q., chapter P-35), amended by section 297 of chapter 63 of the statutes of 1979, is again amended

(1) by replacing paragraph *a* by the following paragraph:

“(a) “hospital centre”, “local community service centre”, “regional council” and “establishment” have the meaning assigned to them in the Act respecting health services and social services (R.S.Q., chapter S-5);”;

(2) by replacing paragraph *d* by the following paragraph:

“(d) “disease that must be declared” means a disease determined by regulation that must be declared in accordance with this Act;”;

(3) by replacing paragraph *e* by the following paragraph:

“(e) “venereal disease” means syphilis, gonococcal infections, chancroid, lymphogranulomatosis inguinalis or granuloma inguinale;”.

100. Section 2 of the said Act is amended by adding, at the end, the following paragraphs:

“In addition to his powers under this Act, the Minister may

- (a) determine ambulance service zones;
- (b) fix the costs or rates of transport by ambulance for the different zones or establish standards for fixing them;
- (c) establish standards for fixing the maximum number of ambulance service permits and the maximum number of ambulances; such maximum number may be fixed for an administrative area or for a zone;
- (d) establish standards for transport by ambulance between establishments;
- (e) establish standards for ambulance service subsidies.

The Minister may delegate the powers provided in subparagraphs *a*, *c* and *d* of the second paragraph to a regional council.”

101. Section 5 of the said Act is replaced by the following section:

“**5.** The head of a community health department must declare to the Minister, in accordance with the regulations, every case of a disease that must be declared or of venereal disease.

Every physician must declare to the Minister or to the head of the community health department in the territory, in accordance with the regulations, every case of a disease that must be declared or of venereal disease of which he is aware.

The director of a laboratory or of a department of medical biology must declare to the Minister or to the head of the community health department in the territory, in accordance with the regulations, every case where an examination reveals the presence of a disease that must be declared or a venereal disease.

In the case of a declaration of venereal disease, it is forbidden to declare the name of the person suffering from the disease. The person must be designated by a number, with an indication of his age and sex, and the municipality where he resides.”

102. The said Act is amended by replacing section 6 by the following section:

“**6.** A physician must address to the person determined by regulation a declaration giving the name and address of every person who refuses, neglects or ceases to follow the required treatment for a venereal disease.”

103. Section 34 of the said Act is amended by adding, at the end, the following paragraph:

“A person who applies for an ambulance service permit must, in addition, indicate in his application the number of ambulances he will use and the zones in which he will operate his service.”

104. Section 35 of the said Act is replaced by the following section:

“**35.** A permit indicates the kind of activities its holder is authorized to carry on, and, in the case of an ambulance service permit, the number of ambulances the holder may use and the zones in which he may operate his service.”

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

“He may likewise deny any application for an ambulance service permit or refuse to authorize the number of ambulances the applicant wishes to use when the maximum number fixed under paragraph *c* of section 2 has been reached.”

106. The said Act is amended by adding, after section 40, the following sections:

“**40.1** Where the holder of an ambulance service permit wishes to discontinue or decrease the operation of an ambulance service, he must notify the Minister and the regional council of his region by registered mail at least ninety days before discontinuing or decreasing it.

“**40.2** No person may exact, for transport by ambulance, any cost or rate other than that fixed under subparagraph *b* of the second paragraph of section 2.

“**40.3** In no case may the holder of an ambulance service permit take charge of a person in a zone where another ambulance service is subsidized for that purpose, unless he is requested to do so by the subsidized ambulance service.”

107. Section 69 of the said Act, amended by section 299 of chapter 63 of the statutes of 1979, is again amended

(1) by replacing the words “or radiology examinations for sanitary purposes” in the third line of subparagraph *c* by the word “examinations”;

(2) by adding the words “, the records he must keep” after the word “make” in the third line of subparagraph *d*;

(3) by replacing subparagraph *e* by the following subparagraph:

“(e) establish the content of the declarations provided for in sections 5, 45, 46, 47 and 48 and the rules relating to the sending of such declarations, to the keeping or use of the documents relating to such declarations, and determine to what person the declarations made under section 6 must be addressed and determine the role of the Minister, the head of the community health department, the physician and the director of a laboratory or a department of medical biology when a disease that must be declared or a venereal disease has been declared;”;

(4) by inserting, after subparagraph *s*, the following subparagraph:

“(s.1) prescribe any useful measure to insure the protection and safety of persons transported by ambulance;”.

108. The regulations made under the provisions replaced by section 22 of this Act are deemed to have been regulations made under the provisions enacted by this Act.

109. The provisions of any agreement in effect at the coming into force of this Act prevail till a new agreement. Section 104.1 of the Health Insurance Act enacted by section 31 of this Act applies to such provisions, nevertheless.

110. The third paragraph of section 19 of the Health Insurance Act enacted by section 3 of this Act does not apply to physicians bound by an agreement at the date of the coming into force of this Act.

111. Elected or appointed members of boards of directors in office at the coming into force of this Act remain in office till the end of their term, which is not renewable except in the manner and composition prescribed in the provisions enacted by this Act.

112. This Act will come into force on the date fixed by government proclamation, except the provisions excluded by that proclamation which will come into force on any later date or dates fixed by government proclamation.