

1994, chapter 23

AN ACT TO AMEND THE ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES AND OTHER LEGISLATIVE PROVISIONS

Bill 17

Introduced by Madam Lucienne Robillard, Minister of Health and Social Services

Introduced 5 May 1994

Passage in principle 17 May 1994

Passage 14 June 1994

Assented to 17 June 1994

Coming into force: 17 June 1994, except sections 4, 6, 8 to 15, 17 to 21 and 23, which will come into force on the date or dates fixed by the Government

Acts amended:

Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1)

Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001)

Financial Administration Act (R.S.Q., chapter A-6)

Act respecting financial assistance for students (R.S.Q., chapter A-13.3)

Act respecting family assistance allowances (R.S.Q., chapter A-17)

Archives Act (R.S.Q., chapter A-21.1)

Automobile Insurance Act (R.S.Q., chapter A-25)

Hospital Insurance Act (R.S.Q., chapter A-28)

Health Insurance Act (R.S.Q., chapter A-29)

Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2)

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Acts amended (Cont'd):

Charter of the French language (R.S.Q., chapter C-11)
Cities and Towns Act (R.S.Q., chapter C-19)
Highway Safety Code (R.S.Q., chapter C-24.2)
Code of Penal Procedure (R.S.Q., chapter C-25.1)
Labour Code (R.S.Q., chapter C-27)
Municipal Code of Québec (R.S.Q., chapter C-27.1)
Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34)
Act respecting the Conseil médical du Québec (R.S.Q., chapter C-59.0001)
Public Curator Act (R.S.Q., chapter C-81)
Act respecting collective agreement decrees (R.S.Q., chapter D-2)
Dental Act (R.S.Q., chapter D-3)
Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1)
Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2)
Election Act (R.S.Q., chapter E-3.3)
Fire Investigations Act (R.S.Q., chapter E-8)
Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1)
Act respecting municipal taxation (R.S.Q., chapter F-2.1)
Act respecting hours and days of admission to commercial establishments (R.S.Q., chapter H-2.1)
Nurses Act (R.S.Q., chapter I-8)
Education Act (R.S.Q., chapter I-13.3)
Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14)
Act to ensure that essential services are maintained in the health and social services sector (R.S.Q., chapter M-1.1)
Medical Act (R.S.Q., chapter M-9)
Act respecting labour standards (R.S.Q., chapter N-1.1)
Optometry Act (R.S.Q., chapter O-7)
Pharmacy Act (R.S.Q., chapter P-10)
Act respecting the practice of midwifery within the framework of pilot projects (R.S.Q., chapter P-16.1)
Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29)
Youth Protection Act (R.S.Q., chapter P-34.1)
Public Health Protection Act (R.S.Q., chapter P-35)
Act respecting the protection of non-smokers in certain public places (R.S.Q., chapter P-38.01)
Mental Patients Protection Act (R.S.Q., chapter P-41)
Environment Quality Act (R.S.Q., chapter Q-2)
Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2)
Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2)
Act respecting the Québec Pension Plan (R.S.Q., chapter R-9)
Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10)

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Acts amended (Cont'd):

Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12)
Regulations Act (R.S.Q., chapter R-18.1)
Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20)
Act respecting real estate tax refund (R.S.Q., chapter R-20.1)
Act respecting occupational health and safety (R.S.Q., chapter S-2.1)
Public Buildings Safety Act (R.S.Q., chapter S-3)
Act respecting safety in sports (R.S.Q., chapter S-3.1)
Act respecting child day care (R.S.Q., chapter S-4.1)
Act respecting health services and social services (R.S.Q., chapter S-4.2)
Act respecting health services and social services for Cree and Inuit Native persons (R.S.Q., chapter S-5)
Act respecting the Québec sales tax (R.S.Q., chapter T-0.1)
Marine Products Processing Act (R.S.Q., chapter T-11.01)
Securities Act (R.S.Q., chapter V-1.1)
Act to amend the Public Health Protection Act (1990, chapter 55)
Act respecting assistance and compensation for victims of crime (1993, chapter 54)



CHAPTER 23

An Act to amend the Act respecting health services and social services and other legislative provisions

[Assented to 17 June 1994]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

c. S-4.2,
s. 111, am. **1.** Section 111 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by replacing the words “With the authorization of the Government and on the conditions it determines, an institution may, according to law,” in the first and second lines by the words “An institution may, on the conditions determined for that purpose by the Minister and according to law,”.

c. S-4.2,
s. 128, am. **2.** Section 128 of the said Act is amended by replacing the words and figure “paragraph *f* of section 113” in the eighth line of the first paragraph by the word and figure “section 29.1”.

c. S-4.2,
s. 262.1, am. **3.** The English text of section 262.1 of the said Act is amended by replacing the words “by the institution concerned” in the third and fourth lines of the last paragraph by the words “for the purposes of any institution”.

c. S-4.2,
s. 471, am. **4.** Section 471 of the said Act is amended by striking out the words “and Inuit” in the third line of subparagraph 4 of the first paragraph.

c. S-4.2,
s. 508, am. **5.** Section 508 of the said Act is amended by replacing the words and figure “paragraph *f* of section 113” in the second line by the word and figure “section 29.1”.

c. S-4.2,
ss. 619.72,
619.73, added **6.** The said Act is amended by inserting, after section 619.71, the following sections:

Applicable
provisions

“619.72 Sections 619.1 to 619.3, 619.8 and 619.9, the first paragraph of section 619.10, the second paragraph of section 619.11, the first paragraph of section 619.12, sections 619.13 to 619.25, sections 619.27, 619.28 and 619.30, the first paragraph of section 619.31 and sections 619.35, 619.37 to 619.39, 619.41 to 619.43, 619.46 and 619.71 apply to the institutions referred to in section 530.1 and to the regional board established under section 530.25, with the necessary adaptations, including the following:

(1) “Act respecting health services and social services” becomes “Act respecting health services and social services for Cree and Inuit Native persons”;

(2) “1 April 1992” becomes “the preceding 1 April”;

(3) “14 May 1992” becomes “5 May 1994”;

(4) “23 June 1992” becomes “17 June 1994”;

(5) “1 October 1992” becomes “*(insert here the date fixed by the Government under the second paragraph)*”;

(6) “1 April 1993” becomes “*(insert here the date occurring six months after the date fixed by the Government under the second paragraph)*”, except in section 619.23 where it becomes “*(insert here the date of the first 1 April occurring after the date fixed by the Government under the second paragraph)*”;

(7) “Until 1 April 1994 or any later date” in the first paragraph of section 619.27 becomes “Until the date”;

(8) “Until 1 April 1993 or any later date” in the second paragraph of section 619.27 becomes “Until the date”;

(9) “1 April 1994” and “1 April 1992 and the rules applicable for the fiscal year 1993-94” in section 619.28 become “*(insert here the date of the first 1 April occurring after the date fixed by the Government under the second paragraph)*” and “the preceding 1 April”, respectively.

Effective
date

The Government shall fix, for each of the above provisions, the date or dates on which it becomes applicable to the said institutions and regional board.

Orders in
council,
regulations,
decisions

“619.73 All orders in council, regulations and by-laws made, and all decisions rendered, by the Government, the Minister or another competent authority pursuant to any provision of this Act apply, to the extent that they are not incompatible with the provisions

of Part IV.1, in the territory governed by that Part, from (*insert here the date of coming into force of this section*)."

AMENDING PROVISIONS

HEALTH INSURANCE ACT

c. A-29,
s. 19, am.

7. Section 19 of the Health Insurance Act (R.S.Q., chapter A-29), replaced by section 564 of chapter 42 of the statutes of 1991, is again amended

(1) by inserting the words "a facility maintained by" after the word "in" in the fourth line of the tenth paragraph;

(2) by inserting the words "a facility maintained by" after the word "in" in the fourth line of the last paragraph.

HIGHWAY SAFETY CODE

c. C-24.2,
s. 11, am.

8. Section 11 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by inserting the words "(chapter S-4.2) or the Act respecting health services and social services for Cree Native persons" after the words "social services" in the second line of subparagraph 2 of the second paragraph.

c. C-24.2,
s. 618, am.

9. Section 618 of the said Code is amended by inserting the words "(chapter S-4.2) or the Act respecting health services and social services for Cree Native persons" after the words "social services" in the second last line of paragraph 22.

ACT RESPECTING THE COMMISSION DES AFFAIRES SOCIALES

c. C-34,
s. 21, am.

10. Section 21 of the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34), amended by section 92 of chapter 15 of the statutes of 1993, section 207 of chapter 54 of the statutes of 1993 and section 1 of chapter 74 of the statutes of 1993, is again amended

(1) by striking out the words "and Inuit" in the second last line of paragraph *d*;

(2) by striking out paragraph *e*;

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

"(f) the applications in contestation or annulment of election or appointment brought under section 148 or 530.16 of the Act respecting

health services and social services or under section 59 of the Act respecting health services and social services for Cree Native persons;”;

(4) by striking out the words “and Inuit” in the last or second last line of paragraphs *g*, *h*, *h.1* and *i*.

c. C-34,
s. 25, am.

11. Section 25 of the said Act is amended by striking out the second paragraph.

c. C-34,
s. 28, am.

12. Section 28 of the said Act is amended by striking out the letter “*e*,” in the first line of the first paragraph.

c. C-34,
s. 29, am.

13. Section 29 of the said Act is amended by striking out the letter “*e*,” in the first line of the second paragraph.

c. C-34,
s. 32, am.

14. Section 32 of the said Act, amended by section 209 of chapter 54 of the statutes of 1993, is again amended

(1) by inserting the words and figures “section 205 or 252 of the Act respecting health services and social services or under” after the word “under” in the first line of the second paragraph;

(2) by inserting the words “for Cree Native persons” after the words “social services” in the second line of the second paragraph.

c. C-34,
s. 33, am.

15. Section 33 of the said Act is amended by striking out the letter and word “*e* or” in the second line of subparagraph 1 of the second paragraph.

ELECTION ACT

c. E-3.3,
s. 289, am.

16. Section 289 of the Election Act (R.S.Q., chapter E-3.3) is amended by replacing the words “hospital centre or reception centre” in the first line of that part preceding paragraph 1 by the words “facility maintained by an institution referred to in section 3”.

EDUCATION ACT

c. I-13.3,
s. 204, am.

17. Section 204 of the Education Act (R.S.Q., chapter I-13.3) is amended by inserting the words “, except persons to whom Part IV.1 of that Act applies,” after the words “(chapter S-4.2)” in the fifth line of the first paragraph.

EDUCATION ACT FOR CREE, INUIT AND NASKAPI NATIVE PERSONS

c. I-14, s. 34,
am.

18. Section 34 of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14) is amended by replacing the words “or the Act respecting health services and social services for Cree and Inuit” in the third and fourth lines by the words “, Part IV.1 of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree”.

ACT RESPECTING CHILD DAY CARE

c. S-4.1,
s. 41.6, am.

19. Section 41.6 of the Act respecting child day care (R.S.Q., chapter S-4.1) is amended by inserting the words “or within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5)” after the words “(chapter S-4.2)” in the second line of paragraph 6.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE AND INUIT NATIVE PERSONS

c. S-5, title,
replaced

20. The title of the Act respecting health services and social services for Cree and Inuit Native persons (R.S.Q., chapter S-5) is replaced by the following title:

“ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS”.

c. S-5, s. 1.1,
am.

21. Section 1.1 of the said Act is amended by striking out the words “and the Conseil Kativik de la santé et des services sociaux” in the third and fourth lines.

c. S-5,
s. 149.32.1,
am.

22. Section 149.32.1 of the said Act is amended by replacing the figures “60” and “61” in the first and last lines of the last paragraph by the figures “55” and “56”, respectively.

Words
replaced

23. The words “Act respecting health services and social services for Cree and Inuit Native persons” are replaced by the words “Act respecting health services and social services for Cree Native persons” wherever they occur in the following provisions:

(1) section 7 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);

(2) section 15 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), section 150 of the

said Act, amended by section 78 of chapter 21 of the statutes of 1992, sections 162, 189 and 195 of the said Act, and section 229 of the said Act, amended by section 82 of chapter 21 of the statutes of 1992;

(3) section 69.6 of the Financial Administration Act (R.S.Q., chapter A-6);

(4) section 57 of the Act respecting financial assistance for students (R.S.Q., chapter A-13.3);

(5) sections 2 and 12 of the Act respecting family assistance allowances (R.S.Q., chapter A-17);

(6) the schedule to the Archives Act (R.S.Q., chapter A-21.1);

(7) section 83.15 of the Automobile Insurance Act (R.S.Q., chapter A-25), section 83.30 of the said Act, amended by section 15 of chapter 56 of the statutes of 1993, and section 155.5 of the said Act;

(8) sections 1, 2 and 3 of the Hospital Insurance Act (R.S.Q., chapter A-28);

(9) sections 1, 3 and 19.1 of the Health Insurance Act (R.S.Q., chapter A-29), section 22 of the said Act, amended by section 435 of chapter 57 of the statutes of 1992, and section 77.1.1 of the said Act;

(10) section 20.5 of the Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2);

(11) the schedule to the Charter of the French language (R.S.Q., chapter C-11), amended by section 8 of chapter 36 of the statutes of 1993, section 62 of chapter 40 of the statutes of 1993 and section 108 of chapter 67 of the statutes of 1993;

(12) sections 29 and 464 of the Cities and Towns Act (R.S.Q., chapter C-19);

(13) section 552 of the Highway Safety Code (R.S.Q., chapter C-24.2), and section 626 of the said Code, amended by section 62 of chapter 54 of the statutes of 1992;

(14) article 7 of the Code of Penal Procedure (R.S.Q., chapter C-25.1);

(15) section 111.0.16 of the Labour Code (R.S.Q., chapter C-27);

(16) articles 7 and 524 of the Municipal Code of Québec (R.S.Q., chapter C-27.1);

(17) sections 3 and 17 of the Act respecting the Conseil médical du Québec (R.S.Q., chapter C-59.0001);

(18) sections 14 and 28 of the Public Curator Act (R.S.Q., chapter C-81);

(19) section 29 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2);

(20) section 1 of the Dental Act (R.S.Q., chapter D-3);

(21) the schedule to the Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1);

(22) sections 50, 189 and 521 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);

(23) sections 3 and 305 of the Election Act (R.S.Q., chapter E-3.3);

(24) section 21.1 of the Fire Investigations Act (R.S.Q., chapter E-8);

(25) section 1 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);

(26) section 204 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 139 of chapter 68 of the statutes of 1992, by section 117 of chapter 67 of the statutes of 1993, section 75 of chapter 2 of the statutes of 1994 and section 59 of chapter 30 of the statutes of 1994, and section 236 of the said Act, amended by section 140 of chapter 68 of the statutes of 1992, by section 119 of chapter 67 of the statutes of 1993, section 76 of chapter 2 of the statutes of 1994 and section 69 of chapter 30 of the statutes of 1994;

(27) section 10 of the Act respecting hours and days of admission to commercial establishments (R.S.Q., chapter H-2.1);

(28) section 1 of the Nurses Act (R.S.Q., chapter I-8);

(29) sections 1 and 24 of the Act to ensure that essential services are maintained in the health and social services sector (R.S.Q., chapter M-1.1);

(30) section 1 of the Medical Act (R.S.Q., chapter M-9);

(31) section 30 of the Act respecting labour standards (R.S.Q., chapter N-1.1);

- (32) section 1 of the Optometry Act (R.S.Q., chapter O-7);
- (33) section 1 of the Pharmacy Act (R.S.Q., chapter P-10);
- (34) sections 4 and 38 of the Act respecting the practice of midwifery within the framework of pilot projects (R.S.Q., chapter P-16.1);
- (35) section 1 of the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29);
- (36) sections 1, 26, 36, 48.1, 57.1, 65 and 70 of the Youth Protection Act (R.S.Q., chapter P-34.1);
- (37) section 1 of the Public Health Protection Act (R.S.Q., chapter P-35), amended by section 1 of chapter 55 of the statutes of 1990, and section 31 of the said Act, amended by section 3 of chapter 55 of the statutes of 1990;
- (38) sections 4 and 7 of the Act respecting the protection of non-smokers in certain public places (R.S.Q., chapter P-38.01);
- (39) section 1 of the Mental Patients Protection Act (R.S.Q., chapter P-41);
- (40) section 93 of the Environment Quality Act (R.S.Q., chapter Q-2);
- (41) sections 33, 37, 40, 48.1, 118 and 182 of the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2);
- (42) sections 1 and 36 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) and Schedule B to the said Act;
- (43) section 81 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);
- (44) Schedule II to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), amended by section 72 of chapter 44 of the statutes of 1992 and by orders in council 577-93 dated 28 April 1993 and 1728-93 dated 8 December 1993, and Schedule II.2 to the said Act, amended by order in council 1806-93 dated 15 December 1993, and Schedule III.1 to the said Act;
- (45) Schedule IV.1 to the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);

(46) section 3 of the Regulations Act (R.S.Q., chapter R-18.1), amended by section 691 of chapter 57 of the statutes of 1992;

(47) section 19 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20), amended by section 11 of chapter 61 of the statutes of 1993;

(48) section 1 of the Act respecting real estate tax refund (R.S.Q., chapter R-20.1), amended by section 228 of chapter 64 of the statutes of 1993;

(49) section 1 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1), sections 110 and 117 of the said Act, replaced by sections 308 and 313, respectively, of chapter 21 of the statutes of 1993, and sections 127, 129 and 168 of the said Act;

(50) section 39 of the Public Buildings Safety Act (R.S.Q., chapter S-3);

(51) section 46.8 of the Act respecting safety in sports (R.S.Q., chapter S-3.1);

(52) sections 7 and 69 of the Act respecting child day care (R.S.Q., chapter S-4.1);

(53) section 1 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1), amended by section 167 of chapter 19 of the statutes of 1993 and section 364 of chapter 22 of the statutes of 1994, and section 108 of the said Act, amended by section 420 of chapter 22 of the statutes of 1994;

(54) section 3 of the Marine Products Processing Act (R.S.Q., chapter T-11.01);

(55) section 41 of the Securities Act (R.S.Q., chapter V-1.1), amended by section 122 of chapter 67 of the statutes of 1993;

(56) section 12 of the Act to amend the Public Health Protection Act (1990, chapter 55), amended by section 369 of chapter 21 of the statutes of 1992;

(57) section 149 of the Act respecting assistance and compensation for victims of crime (1993, chapter 54).

Coming into
force

24. This Act comes into force on 17 June 1994 except sections 4, 6, 8 to 15, 17 to 21 and 23, which will come into force on the date or dates fixed by the Government.