

1991, chapter 42
**AN ACT RESPECTING HEALTH SERVICES
AND SOCIAL SERVICES AND AMENDING
VARIOUS LEGISLATION**

Bill 120

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

Introduced 10 December 1990

Passage in principle 19 December 1990

Passage 28 August 1991

Assented to 4 September 1991

Coming into force: on the dates fixed by the Government, with the exception of the provisions of sections 119 to 147, 149 to 159 and 165, paragraph 1 of section 173, sections 193, 339, 341, 342 and 397 to 404, subparagraph 3 of the second paragraph of section 405, sections 414 and 418, paragraphs 1 and 2 of section 419, sections 420 to 430, 505 to 507, 521 to 530, 556 and 557, paragraphs 2 and 3 of section 558, sections 561, 562, 563 and 567, paragraph 1 of section 571, sections 576, 579 and 580, paragraph 7 of section 581, sections 585, 586, 587, 589, 591, 593, 595 to 619 and section 621, which come into force on 4 September 1991

Acts amended:

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

Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5)

Act respecting health services and social services (R.S.Q., chapter S-5)¹

Act replaced:

Act respecting health services and social services (R.S.Q., chapter S-5)²

¹ The title of the Act is replaced by the following title: "An Act respecting health services and social services for Cree and Inuit Native persons"

² except to the extent that it applies to the territory of the James Bay Cree health and social services council and the territory of the Kativik health and social services council



CHAPTER 42

An Act respecting health services and social services and amending various legislation

[Assented to 4 September 1991]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PART I

OBJECT OF THE ACT AND RIGHTS OF USERS

TITLE I

OBJECT

Objects

1. The health services and social services plan established by this Act aims to maintain and improve the physical, mental and social capacity of persons to act in their community and to carry out the roles they intend to assume in a manner which is acceptable to themselves and to the groups to which they belong.

Aims

The plan shall focus mainly on

(1) reducing mortality caused by illness and trauma as well as morbidity, disabilities and handicaps;

(2) acting on health and welfare determining factors and developing individual, family and community responsibility in that respect through prevention and promotion;

(3) fostering the recovery of users' health and welfare;

(4) fostering the protection of public health;

(5) fostering the adjustment or rehabilitation of users as well as their social integration or reintegration;

(6) reducing the impact of problems which threaten the stability, fulfilment or autonomy of users;

(7) attaining comparable standards of health and welfare in the various strata of the population and in the various regions.

Objectives

2. In order to permit these objectives to be achieved, this Act establishes an organizational structure of human, material and financial resources designed

(1) to ensure the participation of individuals and groups of individuals in the selection of orientations and in the setting up, improvement, development and management of services;

(2) to foster the participation, in the various sectors of activity of the community, of all intervening parties whose action may have an influence on health and welfare;

(3) to apportion responsibilities among public bodies, community organizations and other parties working in the field of health and social services;

(4) to ensure that services are accessible on a continuous basis to respond to the physical, mental and social needs of individuals, families and groups;

(5) to take account of the distinctive geographical, linguistic, sociocultural, ethnocultural and socioeconomic characteristics of each region;

(6) to foster, to the extent allowed by the resources, access to health services and social services through adapted means of communication for persons with functional limitations;

(7) to foster, to the extent allowed by the resources, access to health services and social services in their own languages for members of the various cultural communities of Québec;

(8) to foster effective and efficient provision of health services and social services and respect for the rights of the users of such services;

(9) to ensure participation of human resources of institutions referred to in Title I of Part II in the selection of orientations and the determination of priorities;

(10) to promote research and education so as to respond more adequately to the needs of the population.

Guidelines **3.** For the application of this Act, the following guidelines shall guide the management and provision of health services and social services:

(1) the person requiring services is the reason for the very existence of those services;

(2) respect for the user and recognition of his rights and freedoms must inspire every act performed in his regard;

(3) the user must be treated, in every intervention, with courtesy, fairness and understanding, and with respect for his dignity, autonomy and needs;

(4) the user must, as far as possible, play an active role in the care and services which concern him;

(5) the user must be encouraged, through the provision of adequate information, to use services in a judicious manner.

TITLE II

RIGHTS OF USERS

CHAPTER I

GENERAL PROVISIONS

Information and access **4.** Every person is entitled to be informed of the existence of the health and social services and resources available in his community and of the conditions governing access to such services and resources.

Personalized services **5.** Every person is entitled to receive, with continuity and in a personalized manner, health services and social services which are scientifically, humanly and socially appropriate.

Choice of professional **6.** Every person is entitled to choose the professional or the institution from whom or which he wishes to receive health services or social services.

Freedom of the professional Nothing in this Act shall restrict the freedom of a professional to accept or refuse to treat a person.

Right to receive care **7.** Every person whose life or bodily integrity is endangered is entitled to receive the care required by his condition. Every institution shall, where requested, ensure that such care is provided.

User's
consent

8. Before giving his consent to care concerning him, every user of health services and social services is entitled to be informed of his state of health and welfare and to be acquainted with the various options open to him and the risks and consequences generally associated with each option.

User's
consent

9. No person may be made to undergo care of any nature, whether for examination, specimen taking, treatment or any other intervention, except with his consent.

Consent by
user or
representa-
tive

Consent to care or the authorization to provide care shall be given or refused by the user or, as the case may be, his representative or the court, in the circumstances and manner provided for in articles 19 and in subsequent articles of the Civil Code of Lower Canada.

User's
participation

10. Every user is entitled to participate in any decision affecting his state of health or welfare.

Service plan

He is entitled, in particular, to participate in the development of his intervention plan or individualized service plan where such plans are required under sections 102 and 103.

Modifica-
tions

The same applies to any modification made to such plans.

Assistance

11. Every user is entitled to be accompanied and assisted by the person of his choice when he wishes to obtain information or take steps in relation to any service provided by an institution or on its behalf or by any professional practising in a centre operated by the institution.

Representa-
tive

12. The rights of any person which are recognized under this Act may be exercised by a representative.

Representa-
tives

The following persons are deemed to be representatives, according to the circumstances and subject to the priorities provided for in the Civil Code of Lower Canada:

(1) the holder of parental authority of a user who is a minor or the user's tutor;

(2) the curator, tutor, spouse or close relative of a user of full age under legal incapacity;

(3) an authorized person mandated by the incapable user of full age before his incapacity;

(4) a person proving that he has a special interest in the user of full age under legal incapacity.

Exercise
of user's
rights

13. The right to health services and social services and the right to choose a professional and an institution as provided in sections 5 and 6 shall be exercised within the framework of the legislative and regulatory provisions relating to the organizational and operational structure of the institution and within the limits of the human, material and financial resources at its disposal.

Patient
discharge

14. No institution may cease to lodge a user who has been discharged unless his condition allows his return home or his integration into a home, or unless his admission to another institution or any of its intermediate resources or to a family-type resource is assured and the services required by his condition will be provided to him by such institution or resource.

Patient
discharge

Subject to the first paragraph, a user must leave the institution where he is an in-patient immediately upon being discharged in accordance with the provisions of the regulation made under paragraph 28 of section 505.

English-
speaking
users

15. English-speaking persons are entitled to receive health services and social services in the English language, in keeping with the organizational structure and human, material and financial resources of the institutions providing such services and to the extent provided by an access program referred to in section 348.

Recourses

16. Nothing in this Act restricts the right of a person or his assigns to pursue a remedy against an institution, its directors, employees or servants or a professional by reason of a professional or other fault. In no case may such remedy be waived.

Recourses

The same applies to the right to pursue a remedy against a family-type resource.

CHAPTER II

USER'S RECORD

Access to
user's
record

17. Every user 14 years of age or over has right of access to his record. However, the institution may deny him access to it temporarily if, on the advice of his attending physician or the physician designated by the executive director of the institution, communication of the record or any part thereof would likely be seriously prejudicial to the user's health. In that case, the institution, on the recommendation of the physician, shall determine the time at which the record or the part thereof to which access has been denied can be communicated to the user, and notify him thereof.

Limitation **18.** No user is entitled to be informed of the existence or be given communication of information concerning him furnished by a third person which is contained in his record, where knowledge of the existence or the communication thereof would make it possible to identify the third person, unless that person has agreed in writing to the disclosure of the information and of its source to the user.

Exception The first paragraph does not apply where the information was furnished by a health or social services professional or by an employee of an institution in the performance of his duties. For the purposes of this paragraph, trainees, including medical residents, shall be regarded as health or social services professionals.

Confidentiality **19.** The record of a user is confidential and no person may have access to it except with the authorization of the user or the person qualified to give authorization on his behalf, on the order of a court, or where this Act provides that an institution may be required to release information contained in the record.

Exceptions However, a professional may examine a user's record for purposes of study, teaching or research, with the authorization of the director of professional services or, if there is no such director, with the authorization of the executive director granted in accordance with the criteria established in section 125 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

User under 14 years of age **20.** A user under 14 years of age is not entitled, at the time of an application for information or rectification, to be informed of the existence or to be given communication of information of a medical or social nature concerning him that is contained in his record, except through his advocate within the framework of a judicial proceeding.

Normal communication Nothing in the first paragraph shall restrict normal communication between a user and a health or social service professional or an employee of an institution. For the purposes of the first paragraph, trainees, including medical residents, shall be regarded as health or social service professionals.

Parents **21.** The holder of parental authority is entitled to have access to the record of a user who is a minor.

Exceptions However, an institution shall refuse to give the holder of parental authority access to the record of a user who is a minor where

(1) the user is under 14 years of age, an intervention within the meaning of section 2.3 of the Youth Protection Act (R.S.Q., chapter

P-34.1) has been made in his regard or a decision respecting him has been made under the said Act, and the institution, after consulting the director of youth protection, determines that communication of the record of the user to the holder of parental authority will or could be prejudicial to the health of the user;

(2) the user is 14 years of age or over and, after being consulted by the institution, refuses to allow his record to be communicated to the holder of parental authority and the institution determines that communication of the record of the user to the holder of parental authority will or could be prejudicial to the health of the user.

User's
representa-
tives

22. The tutor, curator, mandatary or the person who may give his consent to care for a user is entitled to have access to the information contained in the record of the user to the extent that such communication is necessary for the exercise of that power.

Medical
and
psychosocial
assessment

Any person who attests under oath that he intends to apply for the institution or review of protective supervision for a user or the homologation of a mandate given by the user for the eventuality of his inability, is entitled to have access to the information contained in the medical and psychosocial assessment of the user, if the assessment determines that the user is unable to care for himself and administer his property. Only one applicant has a right of access to such information.

Heirs of
deceased
user

23. The heirs and legal representatives of a deceased user are entitled to be given communication of information contained in his record to the extent that such communication is necessary for the exercise of their rights in such capacity. The same applies to the person entitled to the payment of a benefit under an insurance policy on the life of the user or under a pension plan of the user.

Spouse and
family

The spouse, ascendants or direct descendants of a deceased user are entitled to be given communication of information relating to the cause of death of the user, unless the deceased user entered in writing in his record his refusal to grant such right of access.

Hereditary
disease

Notwithstanding the second paragraph, persons related by blood to a deceased user may be given communication of information contained in his record to the extent that such communication is necessary to verify the existence of a genetic or hereditary disease.

Transmis-
sion
of user's
record

24. Every user is entitled to require that a copy, extract or abstract of his record be sent as soon as possible by an institution to another institution or to a professional designated by him.

Professional assistance **25.** Where an institution provides a user with information of a medical or social nature concerning him that is contained in his record, it shall, at the request of the user, provide him with the assistance of a qualified professional to help him to understand the information.

Professional assistance The same applies to the holder of parental authority, the tutor, the curator, the mandatary or any person who may give consent to care on behalf of a user.

Prompt access **26.** The institution shall give the user access to his record as soon as possible.

Prompt access The same applies to the persons referred to in sections 21 to 23.

Refusal **27.** A user to whom an institution refuses access to his record or to information contained therein may, by way of a motion, apply to a judge of the Superior Court or the Court of Québec or to the Commission d'accès à l'information for a review of the decision of the institution. He may also apply to the Commission des affaires sociales.

Refusal The same applies to the persons referred to in sections 21 to 23.

Provisions not applicable **28.** Sections 17 to 27 apply notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information.

CHAPTER III

USERS' COMPLAINTS

DIVISION I

EXAMINATION BY THE INSTITUTION

Examination of users' complaints **29.** Every institution shall establish a procedure for the examination of complaints filed by users and entrust the senior management officer designated by the executive director with the application of the procedure once the designation is approved by the board of directors.

Procedure **30.** The institution must publish the complaint examination procedure and inform each user of the existence of the publication and of the means of obtaining a copy thereof.

Copies However, the institution shall give a copy of the publication to every user who is lodged at the institution or who requests it.

Subject of complaint	31. The complaint examination procedure enables the user to file a complaint concerning the services that have or should have been provided to him by the institution.
User's views	32. The examination procedure must permit the user to express his views.
Verbal or written complaint Written complaint	33. The complaint may be made in writing or verbally. The senior management officer must, however, inform the user who has made his complaint verbally that only a complaint in writing may give rise to the remedy before the regional board established under section 339 and provided for in Division II of this chapter.
Assistance	The senior management officer must assist or ensure that assistance is given to the user who requires it for the formulation of his complaint or for any step he wishes to take in relation to his complaint.
Notice	34. The senior management officer must give the user who has filed a complaint in writing a written notice indicating the date on which he received the complaint.
Time limit	35. The senior management officer must examine a complaint within 60 days after it is received.
Conclusions and re-courses	Before the expiry of the time limit, he must inform the user of his conclusions and give the reasons on which they are based. Where the complaint is in writing, he must inform the user in writing and, at the same time, inform the user of the terms and conditions governing the remedy available to him before the regional board.
Presumption	36. Where the senior management officer fails to inform the user of his conclusions within the time prescribed in section 35, he is deemed to have transmitted negative conclusions to the user on the date on which the prescribed time expires.
Recourse before regional board	In the case of a complaint in writing, such failure gives rise to the remedy before the regional board.
Frivolous complaints	37. The senior management officer may, on summary examination, dismiss any complaint he judges to be frivolous, vexatious or in bad faith.
User informed in writing	Where the complaint is in writing, he must inform the user in writing.

38. When a user's complaint concerns a medical, dental or pharmaceutical act and there is a council of physicians, dentists and pharmacists in the institution, the senior management officer must refer the complaint to the council and so inform the user in writing.

Council of
physicians,
dentists and
pharmacists

If there is no council of physicians, dentists and pharmacists, the senior management officer must refer the complaint to the physician designated for that purpose by the board of directors and so inform the user in writing.

Designated
physician

The senior management officer shall transmit a copy of the complaint he has received to the professional who is the subject of the complaint. During examination of the complaint, the user and the professional must be allowed to express their views.

Professional
named in
the
complaint

The professional who is the subject of the complaint shall have access to the user's record of complaint.

User's
record

The person to whom the complaint is referred must transmit his recommendation to the user and to the professional concerned.

Recom-
mendation

39. The person to whom a complaint is submitted must examine it and make a report to the senior management officer who shall inform the user in writing of the action taken following his complaint and refer the complaint to the executive director.

Examination
and referral

40. The executive director of the institution must send the board of directors any recommendation or report referred to him by the senior management officer in the performance of the duties entrusted to him under section 29.

Duties of
executive
director

41. Where the board of directors considers that the seriousness of the complaint justifies it, it must send it to the professional corporation concerned.

Professional
corporation

Where, following a user's complaint, the board of directors takes disciplinary measures in respect of a physician, dentist or pharmacist or in respect of any employee who is a member of a professional corporation, it must inform the professional corporation in writing.

Disciplinary
measures

DIVISION II

EXAMINATION BY THE REGIONAL BOARD

42. A user having filed a complaint in writing with an institution may address his complaint to the regional board if he disagrees with the conclusions sent to him by the senior management officer of the institution or deemed to have been sent to him under section 36, or

Regional
board

if the senior management officer has refused or ceased to examine his complaint.

Complaint
examination
procedure

43. The regional board shall establish a procedure for the examination of complaints filed by users and entrust the senior management officer designated by the executive director with the application of the procedure once the designation is approved by the board of directors.

Views
expressed

44. The procedure for the examination of complaints must enable the user and the institution to express their views.

Form of
complaint

45. The complaint must be in writing and accompanied with the conclusions, if any, which have been sent by the executive director of the institution and the reasons on which they are based.

Assistance

The senior management officer of the regional board must assist or ensure that assistance is given to the user who requires it for the formulation of his complaint and for any step he wishes to take in relation to that complaint.

Transmis-
sion
of record

46. The senior management officer of the regional board shall send a copy of the complaint submitted to him to the institution and, within 30 days of receiving the copy, the institution must transmit the complete record of complaint to him.

Information
and
meetings

47. Users or institutions must provide the senior management officer of the regional board with the information he requires for the examination of the complaint and, unless they have a valid reason, they must attend any meeting to which they are called by the senior management officer.

Notice

48. The senior management officer of the regional board shall give the user who has submitted a complaint a notice in writing indicating the date on which his complaint was received.

Time limit

49. The senior management officer of the regional board must examine a complaint within 60 days of receiving it.

Conclusions
and recur-
ses

Before the expiry of the time limit, he must inform the user, in writing, of his conclusions and give the reasons on which they are based and, at the same time, inform the user of the terms and conditions governing the remedy available to him before the complaints commissioner appointed by the Government under section 55.

Presumption **50.** Where a senior management officer of the regional board fails to inform the user of his conclusions within the time prescribed in section 49, he is deemed to have transmitted negative conclusions to the user on the date on which the prescribed time expires.

Frivolous complaints **51.** The senior management officer of the regional board may, on summary examination, dismiss any complaint he judges to be frivolous, vexatious or in bad faith and inform the user in writing.

Recommendations **52.** The executive director of the regional board must transmit to the board of directors any recommendation or report referred to him by the senior management officer in the performance of his duties entrusted to him under this division.

Subject of complaint **53.** Any interested natural person may file a complaint with the regional board relating to the performance of any of its duties or the carrying on of any of its activities.

Provisions applicable Sections 43, 44, 45 and 47 to 52, adapted as required, apply to such a complaint.

DIVISION III

ASSISTANCE BY COMMUNITY ORGANIZATION

Community organization **54.** The Minister must, after consulting the regional board, the users' committees of the institutions of the region and interested associations, give a community organization of the region the mandate to assist and accompany, on request, users wishing to file a complaint with the regional board or an institution of the region.

DIVISION IV

COMPLAINTS COMMISSIONER

Complaints commissioner **55.** The Government shall appoint a complaints commissioner for the purposes of this division.

Duties **56.** The function of the complaints commissioner is to examine complaints

(1) from users who disagree with the conclusions transmitted to them by the senior management officer of the regional board pursuant to section 49;

(2) from persons referred to in section 72 who disagree with the conclusions transmitted to them by the senior management officer of the regional board pursuant to section 75;

(3) from natural persons who are dissatisfied with a decision concerning them taken pursuant to section 53 by the regional board within the scope of this Act.

Inquiry The examination of such complaints may include an inquiry if the complaints commissioner judges it to be advisable.

Powers In conducting an inquiry, the complaints commissioner is vested with the powers and immunity provided for in the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.

Examination procedure **57.** The complaints commissioner must establish a complaint examination procedure which allows the user or person or the institution, the family-type resource, the community organization, the holder of nursing home accreditation or the regional board, as the case may be, to present their views to him.

Form and content **58.** The complaint must be in writing and submitted with the conclusions, if any, transmitted by the senior management officer of the regional board in the case of a complaint referred to in subparagraph 1 or 2 of the first paragraph of section 56 or with the decision of the regional board in the case of a complaint referred to in subparagraph 3 of the first paragraph of the said section.

Assistance The complaints commissioner must assist or ensure assistance to the user or person requiring it for the formulation of his complaint or for any other step relating to that complaint.

Institution concerned **59.** The complaints commissioner shall transmit a copy of any complaint submitted to him to the institution, family-type resource, community organization, holder of nursing home accreditation or regional board, as the case may be, and within 30 days of receipt of that copy, the latter must transmit the complete record of the complaint to him.

Required information **60.** Every user or person and every institution, family-type resource, community organization, holder of a nursing home accreditation or regional board, as the case may be, must furnish to the complaints commissioner the information he requires for examining a complaint and attend, unless excused for valid reasons, any meeting which he convenes.

Frivolous complaints **61.** The complaints commissioner may, on summary examination, dismiss any complaint he judges to be frivolous, vexatious or in bad faith. He must in such a case inform the user or the person who submitted the complaint to him.

Recommendations **62.** The complaints commissioner shall transmit his recommendation, with diligence, giving the reasons therefor, to the user or the person and shall forward it without delay to the institution, family-type resource, community organization, holder of a nursing home accreditation or regional board, as the case may be.

Term of office **63.** The commissioner shall be appointed for a term of not more than five years. He shall remain in office at the expiry of his term until reappointed or replaced.

Remuneration The Government shall fix the salary or fees and the other terms of employment of the commissioner.

Replacement **64.** If the complaints commissioner is absent or temporarily unable to act, he may be replaced by a person appointed by the Government to exercise the commissioner's functions and powers for the duration of his absence or incapacity. The Government shall fix, as the case may be, the salary or fees and the other terms of employment of that person.

Personnel **65.** The personnel needed by the complaints commissioner shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

Duties and powers The commissioner shall define the duties of the personnel members at his disposal and shall direct their work. He may delegate, in writing, the exercise of each of his powers.

DIVISION V

USER'S RECORD OF COMPLAINT

Content **66.** The content of the record of a user's complaint shall be determined by regulation under paragraph 23 of section 505.

Access **67.** The provisions of sections 17 to 28 apply to every record kept by an institution, a regional board or the complaints commissioner in the performance of functions entrusted to them by Divisions I, II and IV, respectively.

DIVISION VI

REPORTS

Reports **68.** Each institution shall send to the regional board, once a year and whenever required by the board, a report on the application of the complaint examination procedure.

Content The report shall describe the grounds on which complaints were made and indicate for each type of complaint,

(1) the number of complaints received, dismissed after a brief examination, examined, refused or abandoned since the last report;

(2) the time needed for the examination of complaints;

(3) the action taken following their examination.

Report to the Minister **69.** Each regional board must send to the Minister, once a year and whenever required by him, a report compiling all the reports received from each institution.

Content Each report shall describe the types of complaints received and indicate for each type,

(1) the number of complaints received, dismissed on summary examination, examined, refused or abandoned since the last report;

(2) the action taken following their examination;

(3) the name of each institution concerned.

Content In addition, the report shall describe the kinds of complaints filed with the board and indicate for each kind,

(1) the number of complaints received, dismissed after a brief examination, or examined by the board or which the board has refused or ceased to examine since the last report;

(2) the time needed for the examination of complaints;

(3) the action it has taken following their examination.

Commissioner's report **70.** The complaints commissioner must send to the Minister, once a year and whenever required by him, a report on the application of the complaint examination procedure.

Content The report shall describe the grounds on which complaints received are founded and shall indicate, for each type of complaint,

(1) the number of complaints received, dismissed on summary examination, examined, refused or abandoned since the last report;

(2) the action taken after examination.

Content The complaints commissioner may also, in the report, give his opinion on the following matters:

(1) the degree of satisfaction of users of institutions and family-type resources, users of the services of community organizations and persons residing in an accredited nursing home, and whether or not their rights are respected;

(2) the complaint examination procedures established by institutions, regional boards and the complaints commissioner.

Tabling **71.** The Minister shall table the reports of the regional boards and the report of the complaints commissioner before the National Assembly within 30 days of receiving them or, if it is not in session, within 30 days of resumption.

CHAPTER IV

OTHER COMPLAINTS

Complaints
against
nursing
homes or
community
resources **72.** Every user of a family-type resource referred to in section 310, or of services of a community organization referred to in section 334 and every person residing in a nursing home accredited for purposes of subsidies within the meaning of section 454 may file a complaint with the regional board on services he has or should have received from the resource, organization or home.

Provision
applicable Section 43, adapted as required, applies to such a complaint.

Views **73.** The procedure for the examination of complaints established by the regional board under section 43 must enable the person referred to in section 72 and the resource, the organization or the person holding the accreditation of the nursing home to present their views to the regional board.

Written and
verbal
complaints **74.** The complaint may be made in writing or verbally. The senior management officer of the regional board must, however, inform the person who has made a verbal complaint that only a complaint in writing may give rise to the remedy before the complaints commissioner appointed under section 55.

Assistance The senior management officer must assist or ensure that assistance is given to the person who requires it for the formulation

of his complaint or for any step he wishes to take in relation to that complaint.

Notice **75.** The senior management officer of the regional board must give the person referred to in section 72 who has filed a complaint in writing a written notice indicating the date on which he received the complaint.

Time limit The senior management officer must examine the complaint within 60 days of receiving it.

Conclusions and re-courses Before the expiry of the time limit, he must inform the person of his conclusions and give the reasons on which they are based. Where the complaint is in writing, he must inform the user in writing and, at the same time, inform the person of the terms and conditions governing the remedy available to him before the complaints commissioner.

Presumption Where a senior management officer fails to inform the person of his conclusions within the time prescribed in the second paragraph, he is deemed to have transmitted negative conclusions to the person on the date on which the prescribed time expires. In the case of a complaint in writing, such a failure shall give rise to an examination by the complaints commissioner.

Frivolous complaints **76.** The senior management officer of the regional board may, on summary examination, dismiss any complaint he judges to be frivolous, vexatious or in bad faith and inform the user in writing.

CHAPTER V

POWERS OF SUPERVISION AND SUBROGATION

Interpretation **77.** Nothing in this Act may be construed as limiting the powers of the revisory committees established by section 41 of the Health Insurance Act (R.S.Q., chapter A-29) or of the professional corporations governed by the Professional Code (R.S.Q., chapter C-26).

Professional corporations The representatives of the professional corporations governed by the Professional Code shall have access to any centre operated or facility maintained by an institution for the performance of the functions which the professional corporations must fulfil to ensure protection of the public.

Subrogation **78.** The Gouvernement du Québec is subrogated by operation of law to any user with respect to any right of recovery against a third

person up to the cost of the services it has assumed following injury caused through the fault of that third person.

Reduction In case of contributory negligence the amount of such subrogation shall be subject to reduction in the same proportion as the user's remedy.

Transaction The Minister has the power to transact on any claim arising from this section and he may delegate that power.

Insurer's obligation The insurer of the liability of a third person shall not discharge his obligation to indemnify the latter for his liability under this section otherwise than by payment.

Nullity of undertaking An undertaking by a person to discharge a third person's or an insurer's liability under this section or to compensate him for it is without effect and shall be deemed unwritten in any agreement, transaction or release.

Public domain The rights acquired by the effect of the subrogation provided for in this section are part of the public domain of Québec from the time they arose and are subject to the rules applicable to rights included therein; however, the resulting right of action is prescribed by three years.

PART II

PROVISION OF HEALTH SERVICES AND SOCIAL SERVICES

TITLE I

INSTITUTIONS

CHAPTER I

GENERAL PROVISIONS

Types of institution **79.** Health services and social services shall be provided by the institutions in the following centres:

- (1) a local community service centre;
- (2) a hospital;
- (3) a child and youth protection centre;
- (4) a residential and long-term care centre;
- (5) a rehabilitation centre.

Local community service centre **30.** The mission of a local community service centre is to offer, at the primary level of care, basic health and social services of a preventive or curative nature and rehabilitation or reintegration services to the population of the territory served by it.

Services To that end, an institution which operates such a centre shall see to it that the persons who require such services for themselves or for their families are contacted, assess their needs, dispense the required services in its facilities, or in the persons' own environment, in school, at work or at home or, where necessary, refer the persons to the centres, organizations or persons best suited to assist them.

Hospital **31.** The mission of a hospital is to offer diagnostic services and general and specialized medical care. To that end, an institution which operates a hospital shall admit, mainly on referral, the persons who require such services or care, ensure that their needs are assessed and that the required services, including nursing care and specialized, preventive or rehabilitative psychosocial services, are offered within the facilities or, where necessary, that the persons are referred as soon as possible to the centres, organizations or persons best suited to assist them.

Child and youth protection centre **32.** The mission of a child and youth protection centre is to offer in the region such psychosocial services, including social emergency services, as are required by the situation of a young person pursuant to the Youth Protection Act and the Act respecting young offenders (R.S.C. 1985, chapter Y-1), and services for child placement, family mediation, expertise at the Superior Court on child custody, adoption and biological history.

Services To that end, every institution which operates such a centre shall ensure that the needs of the persons who require such services are assessed and that the services which these persons or their families require are offered to them either directly or through the centres, organizations or persons best suited to assist them.

Residential and long-term care centre **33.** The mission of a residential and long-term care centre is to offer, on a temporary or permanent basis, alternative environment, lodging, assistance, support and supervision services as well as rehabilitation, psychosocial and nursing care and pharmaceutical and medical services to adults who, by reason of loss of functional or psychosocial autonomy can no longer live in their natural environment, despite the support of their families and friends.

Assessment of needs To that end, every institution which operates such a centre shall receive, on referral, the persons who require such services, ensure

that their needs are periodically assessed and that the required services are offered within its facilities.

Day care The mission of such a centre may include the operation of a day centre or day hospital.

Rehabilita- **84.** The mission of a rehabilitation centre is to offer adjustment, tion centre rehabilitation and social integration services to persons who, by reason of physical or mental impairment, behavioral disorders, psychosocial or family difficulties, alcoholism or other problems of addiction, require such services, as well as persons to accompany them, or support services for their families and friends.

Services To that end, every institution which operates such a centre shall receive, on referral, young persons with adjustment problems and persons suffering from and, mainly on referral, persons suffering from alcoholism or other problems of addiction and mothers with adjustment problems; it shall ensure that their needs are assessed and the required services offered to them within its facilities or within the person's own environment, in school, at work or at home or, where necessary, that they are referred, as soon as possible, to the centres, organizations or persons best suited to assist them.

Hospitals, **85.** Hospitals belong to one or another of the following classes: classification

- (1) general and specialized hospitals;
- (2) psychiatric hospitals.

Rehabilita- **86.** Rehabilitation centres belong to one or more of the following tion centres, classification classes, depending on the clientele they serve:

- (1) rehabilitation centres for mentally impaired persons;
- (2) rehabilitation centres for physically impaired persons;
- (3) rehabilitation centres for persons suffering from alcoholism or other problems of addiction;
- (4) rehabilitation centres for young persons with adjustment problems;
- (5) rehabilitation centres for mothers with adjustment problems.

Rehabilita- **87.** Rehabilitation centres for physically impaired persons tion centres, type belong to one or more of the following types of centres, depending on the clientele they serve:

- (1) rehabilitation centres for persons with hearing impairment;
- (2) rehabilitation centres for persons with visual impairment;
- (3) rehabilitation centres for persons with motricity impairment.

University
hospital

88. The Minister may, after consulting the Minister of Higher Education and Science, designate as a university hospital a hospital operated by an institution which, in addition to carrying on the activities inherent in its mission, offers specialized or highly specialized services in several medical disciplines, evaluates health technologies, participates in medical education in several specialties under the terms of a contract of affiliation entered into under section 110, and manages a research centre or research institute recognized by the Fonds de la recherche en santé du Québec established by section 65 of the Act to promote the advancement of science and technology in Québec (R.S.Q., chapter D-9.1).

University
institute

89. The Minister may, after consulting the Minister of Higher Education and Science, designate as a university institute any centre operated by an institution which, in addition to carrying on the activities inherent in the mission of such a centre, offers highly specialized or specialized medical services in one medical discipline or services related to family medicine, evaluates health technologies, participates in medical education under the terms of a contract of affiliation entered into under section 110, and manages a research centre or research institute recognized by the Fonds de la recherche en santé du Québec.

University
institute

90. The Minister may, after consulting the Minister of Higher Education and Science, designate as a university institute any centre operated by an institution which, in addition to carrying on the activities inherent in the mission of such a centre, provides advanced services in a special multidisciplinary field, contributes to the training of professionals working in the field of health or social services under the terms of a contract of affiliation entered into under section 110, manages a research centre or research institute recognized by an organization engaged in the development of social research, and evaluates technologies or methods of intervention related to its advanced sector.

Affiliated
university
centre

91. The Minister may, after consulting the Minister of Higher Education and Science, designate as an affiliated university centre any centre, other than a centre designated as university hospital or university institute, operated by an institution which, in addition to carrying on the activities inherent in the mission of such a centre, participates in the training of professionals in the field of health or

social services or in research activities under the terms of a contract entered into under subparagraph 1 of the first paragraph of section 110.

Health care
centre

92. The Minister may designate as a health care centre an institution which operates a local community service centre and which, owing to the low population density and the size of the territory, also operates a centre mentioned in paragraph 2 or 4 of section 79.

Com-
plementa-
ry activities

93. The regional board, within the scope of its regional service organization plans, may allow an institution to engage, as complement and in addition to the activities inherent in the mission of any centre operated by it, in certain activities inherent in the mission of any other centre.

Regional
vocation

The regional board may, in the same manner, entrust an institution operating any centre with the responsibility of serving all or part of the population of the region.

Interpreta-
tion

94. Any person or partnership carrying on activities inherent in the mission of one or more of the centres mentioned in section 79 is an institution.

Interpreta-
tion

95. A person or a partnership operating a private health facility is not an institution.

Private
health
facility

A private health facility is a facility, situated elsewhere than in a facility maintained by an institution, in which one or more physicians, dentists or other professionals, individually or as a group, regularly practise their professions, privately and solely on their own account, without providing their patients with lodging.

Religious
communities

96. A religious or teaching institution which operates an infirmary to receive members of its personnel or its students or a religious institution which maintains residential and long-term care facilities to receive its members or followers, provided that the number of followers does not exceed 20, is not an institution within the meaning of this Act.

Interpreta-
tion

97. Institutions are either public or private.

Public
institutions

98. The following are public institutions:

(1) an institution constituted as a non-profit corporation before 1 June 1972, irrespective of the Act under which its constituting instrument was granted;

(2) an institution constituted as a non-profit corporation after 1 June 1972 and continued in accordance with sections 540 to 544;

(3) an institution incorporated under this Act;

(4) an institution resulting from an amalgamation or conversion under this Act.

**Private
institutions**

99. The following are private institutions:

(1) an unincorporated institution;

(2) an institution constituted as a profit-making corporation;

(3) an institution constituted as a non-profit corporation engaging in activities inherent in the mission of a centre referred to in paragraph 2, 4 or 5 of section 79, provided the facilities maintained by the institution do not provide lodging to more than 20 users.

CHAPTER II

FUNCTIONS

Functions

100. The function of institutions is to ensure the provision of continuous and accessible quality health or social services which respect the rights and spiritual needs of individuals and which aim at reducing or solving health and welfare problems and responding to the needs of the various population groups. To that end, institutions must manage their human, material and financial resources effectively and efficiently and cooperate with other intervening parties.

Duties

101. Every institution must, in particular,

(1) receive any person requiring services and assess his needs;

(2) dispense the required health or social services directly, or have them provided by an institution, body or person with which or with whom it has entered into a service agreement under section 108;

(3) ensure that its services are provided in continuity and complementarity with those provided by the other institutions and resources of the region, and that such services are organized in a way that reflects the needs of the population it serves;

(4) refer persons to whom it cannot provide certain services to another institution or body or to another person that provides them.

Intervention
plan

102. Each institution must develop for users of a class determined by regulation under paragraph 27 of section 505, to the extent prescribed therein, an intervention plan in order to identify the needs of the user, the objectives pursued, the means to be used and the estimated period during which services are to be provided. The intervention plan must ensure coordination of the services provided to the user by the various resources of the institution that are involved.

Individuali-
zed service
plan

103. Where a user of a class determined by regulation under paragraph 27 of section 505 is to receive over an extended period health and social services which require, in addition to the participation of an institution, that of other resources, the institution which provides the greater part of the services involved or the resource designated jointly by the resources concerned must, as soon as possible, develop an individualized service plan for the user.

User's par-
ticipation

104. Each of the plans referred to in sections 102 and 103, respectively, must be developed with the participation of the user as provided in section 10.

Assessment
and review

Each plan must contain a timetable for assessment and review. A plan may, however, be modified at any time to take account of new circumstances.

Planning

105. Each institution shall determine the health services and the social services it will provide and the various activities it will organize, within the scope of the mission of any centre it operates and the resources at its disposal and in accordance with the regional service organization plan established by the regional board to achieve the objectives set out in the various programs established by the Minister.

Planning

The institution shall also determine parameters for the health services and the social services it will provide and subject such parameters to the approval of the regional board.

By-laws

106. An institution may adopt such by-laws as are necessary for the conduct of its affairs and the discharge of its duties. It must, however, adopt by-laws on any matter determined by regulation under paragraph 6 of section 505 coming under the authority of the institution.

Copies

A copy of the by-laws adopted by an institution shall be transmitted to the regional board or to the Minister on request.

System assessment **107.** Every institution must, at the request of the Minister or the regional board, take part in the assessment of the overall performance of the health and social services system.

Agreements **108.** An institution may enter into an agreement with another institution, a body or any other person for any of the following purposes:

(1) the provision of certain health services or social services;

(2) the provision or exchange of professional health or social services.

Conditions In the case of an agreement entered into between an institution and a community organization referred to in Title II of this Part, the agreement must be consistent with the orientations, policies and approaches of the community organization.

Limitation In the case of an agreement referred to in subparagraph 2 of the first paragraph, the agreement shall not have the effect of granting the exclusive right to provide professional services or preventing the recruitment of professionals as projected in a medical staffing plan prepared by the regional board.

Effective date The agreement shall become effective 30 days after it is filed with the regional board unless it is disallowed by the board.

Validity **109.** No physician or dentist is bound by an agreement referred to in section 108 unless he has examined it and it is valid at the time he makes an application for appointment or renewal of appointment under section 237.

Condition In addition, such an agreement must be consistent with an agreement made under section 19 of the Health Insurance Act.

Copy Within 30 days from the date of coming into force of the agreement, the regional board shall send a copy of it to the representative organization concerned.

Inapplicability This section and section 108 do not apply to a physician or a dentist who, on *(insert here the date of coming into force of this section)*, practises in a centre operated by an institution for which no council of physicians, dentists and pharmacists has been established.

Contracts **110.** An institution may, after consulting the regional board and obtaining the authorization of the Minister,

(1) enter into a contract of affiliation with a university for the purpose of offering teaching or research services, or amend or terminate such a contract;

(2) enter into a service contract or agreement for the purpose of participating in university training or research programs.

Association An institution may, after obtaining the authorization of the regional board, enter into a contract of association with any other educational institution recognized by the Minister of Education or the Minister of Higher Education and Science for the purpose of securing facilities to which students in the field of health and social services may go for probationary periods or professional training.

Terms and conditions The terms and conditions of the contracts and agreements referred to in the first or second paragraph must be consistent with the principles and general rules established by the Minister in cooperation with the Minister of Education or the Minister of Higher Education and Science, according to their respective fields of competence.

Inter-governmental agreements **111.** With the authorization of the Government and on the conditions it determines, an institution may, according to law, enter into an agreement with a government other than that of Québec, or with any of its departments, any international organization or any agency of such a government or organization for the carrying out of its functions.

Regionalization of services **112.** With a view to furthering the integration of services, the Minister may, after consultation with the regional board,

(1) determine the supra-regional vocation of an institution with regard to certain highly specialized services it offers;

(2) limit to certain institutions the function of offering highly specialized services or dispensing certain medicines he determines.

Highly specialized equipment **113.** No institution may offer new services which would require professional resources or highly specialized equipment determined by the Minister, or acquire highly specialized equipment determined by the Minister, before obtaining his authorization in writing. The Minister shall consult the regional board before granting his authorization.

Child day care **114.** A public institution may

(1) act as a home day-care agency in accordance with the Act respecting child day care (R.S.Q., chapter S-4.1) and the regulations;

(2) where designated by the Office des services de garde à l'enfance under section 69 of the said Act, act as regional representative and perform the functions attached to that office;

(3) exercise any power whose exercise is authorized by the Office des services de garde à l'enfance under the said Act;

(4) enter into an agreement with the Office des services de garde à l'enfance under section 70 of the said Act.

Com-
plementa-
ry activities

115. An institution, within the scope of its objects and powers, may organize activities complementary to the health services or social services it provides.

Financing

It may hire staff and enter into agreements for that purpose. The cost of all complementary activities must, however, be recovered from the clientele or otherwise be financed by means of voluntary contributions paid for that purpose by third persons. The cost shall include the annual capital expenditures, in capital and interest, and, except for the activities determined by the Minister, that part of the general expenses which is borne by the operating budget of the institution.

Drug list

116. No institution may furnish medicines other than those appearing on the list drawn up by the Minister for that purpose. The list shall include only medicines in respect of which a notice of compliance has been issued by the federal government for approved indications. It shall be updated periodically after consultation with the Conseil consultatif de pharmacologie established under section 39 of the Health Insurance Act. The Régie de l'assurance-maladie du Québec must publish the list and each of its updatings. The list and updatings come into force on the date of publication in the *Gazette officielle du Québec*, or on any later date fixed therein, of a notice from the Minister stating that the list is drawn up or updated and that the list or updating has been published by the Régie.

Other drugs

An institution in which a council of physicians, dentists and pharmacists is established may, in addition, furnish, for purposes of specific medical requirements, medicines other than those appearing on the list referred to in the first paragraph in respect of which a notice of compliance has been issued by the federal government. In such case, the physician or dentist wishing to use or prescribe such

medicines must request the opinion of the council of physicians, dentists and pharmacists. Where the opinion is favourable, it shall be transmitted to the Conseil consultatif de pharmacologie.

Exceptional
treatments

In addition, an institution in which a council of physicians, dentists and pharmacists is established may furnish for exceptional treatment medicines other than those appearing on the list referred to in the first paragraph, even though no notice of compliance has been issued in respect of such medicines by the federal government, or medicines, whether or not they appear on the list, which are used for indications which are recognized but not approved. In such case, the physician or dentist wishing to use or prescribe such medicines must obtain the written authorization of the council of physicians, dentists and pharmacists.

Emergen-
cies

In case of emergency, a physician or a dentist may use or prescribe a medicine referred to in the second or third paragraph before obtaining the opinion or written authorization of the council of physicians, dentists and pharmacists. He must, however, obtain, as soon as possible, the opinion or required authorization and justify both the urgency of using or prescribing the medicine and his decision to use or prescribe it.

Experi-
mentation

117. An institution which operates a hospital designated as a university hospital or university institute or which manages a research centre or research institute recognized by the Fonds de la recherche en santé du Québec or which operates a centre designated as an affiliated university centre and which, under the terms of its contract of affiliation, takes part in clinical and basic research activities may furnish medicines on conditions and in circumstances prescribed by regulation.

Regulated
use

118. In addition to the limits fixed in paragraph 2 of section 112, the Minister may, by regulation, determine, in respect of a medicine, the cases, conditions and circumstances of its use, after consulting the Corporation professionnelle des médecins du Québec, the Ordre des pharmaciens du Québec and the Conseil consultatif de pharmacologie.

CHAPTER III

ORGANIZATION OF INSTITUTIONS

DIVISION I

BOARDS OF DIRECTORS OF PUBLIC INSTITUTIONS

§ 1.—*Establishment*

Hospitals
and long-
term care
centres

119. A board of directors shall be established to administer all the institutions having their head offices in the territory of a regional county municipality and operating a residential and long-term care centre, or both a residential and long-term care centre and a general and specialized hospital with less than 50 beds.

Territory

For the purposes of this section, in areas where there is no regional county municipality, the territory concerned shall be the territory served by an institution which operates a local community service centre, unless the regional board, after taking into account the criteria mentioned in section 128, proposes another territory. Every such proposal requires the approval of the Minister.

Rehabilita-
tion centres
for mentally
impaired

120. A board of directors shall be established to administer all institutions having their head offices in the territory of a regional board and operating a rehabilitation centre for mentally impaired persons.

Rehabilita-
tion centres
for persons
with
hearing
impairment

121. A board of directors shall be established to administer all the institutions having their head offices in the territory of a regional board and operating a rehabilitation centre for persons with hearing impairment.

Rehabilita-
tion centres
for persons
with visual
impairment

122. A board of directors shall be established to administer all the institutions having their head offices in the territory of a regional board and operating a rehabilitation centre for persons with visual impairment.

Rehabilita-
tion centres
for persons
with motri-
city impair-
ment

123. A board of directors shall be established to administer all the institutions having their head offices in the territory of a regional board and operating a rehabilitation centre for persons with motricity impairment.

Rehabilita-
tion centres
for prob-
lems of
addiction

124. A board of directors shall be established to administer all the institutions having their head offices in the territory of a regional board and operating a rehabilitation centre for persons who suffer from alcoholism or other problems of addiction.

Child and
youth pro-
tection or
rehabilita-
tion centres

125. A board of directors shall be established to administer all the institutions having their head offices in the territory of a regional board and operating the following centres:

(1) a child and youth protection centre;

(2) a rehabilitation centre for young persons with adjustment problems or for mothers with adjustment problems.

Territory

For the application of this section to the territory of the regional board established for the Montréal Métropolitain region, the Minister shall determine otherwise than on the basis of the territory of the regional board, on a proposal submitted by the latter, the organization provided for in the first paragraph so as to permit the operation, by at least two institutions, of child and youth protection centres and the provision, by either of them, of services in the English language for English-speaking persons of the region.

Local ser-
vice centres
and health
care centres

126. A board of directors shall be established to administer an institution which operates a local community service centre or an institution designated as a health care centre.

Hospitals
with 50
beds
or more

The same applies to an institution which operates a hospital and to an institution which operates both a residential and long-term care centre and a general and specialized hospital with 50 beds or more.

Designation
by the
Minister

127. Where, by reason of the centres it operates and according to sections 119 to 126, an institution could be administered by more than one board of directors, the Minister shall determine, after consulting the regional board, which board of directors will administer the institution.

Regional
adjustments

128. A regional board may propose to the Minister that he modify the organizational structure provided for in sections 119 to 126 where the nature or size of the territory or the nature, the number, the special characteristics or the capacity of the centres situated in the territory, the density of the population served or the sociocultural, ethnocultural or linguistic characteristics of part of the population or the institutions warrant it. The regional board shall, more particularly, take into account the institutions recognized under paragraph *f* of section 113 of the Charter of the French language (R.S.Q., chapter C-11).

Approval

The modifications must be approved by the Government.

Tabling

The Minister shall table every order made under the second paragraph before the National Assembly within 30 days after its

adoption if the Assembly is in session or, if it is not sitting, within 30 days after resumption.

§ 2.—*Composition of the board*

1. Mode of appointment of members

Members

129. The board of directors of the institutions referred to in each of sections 119 to 124 shall be composed of the following persons, who shall be members of the board as and when they are elected or appointed:

(1) four persons elected by the population at the public meeting held pursuant to section 135;

(2) three persons elected by and from among the persons employed by the institutions or practising their professions in one of the centres operated by the institutions, provided, however, the position titles of the elected persons are different and, where applicable, those persons are members of different professional corporations;

(3) two persons elected by the members of the users' committees of the institutions;

(4) three persons appointed by the members of the corporation where one of the institutions concerned is a corporation designated by the Minister under section 139 or, if there is more than one institution of that type, appointed jointly by the members of the corporations;

(5) where applicable, one person elected by the board of directors of the foundation attached to one of the institutions concerned or, if there is more than one institution in that situation, elected jointly by the boards of directors of the foundations;

(6) one person appointed by the members referred to in paragraphs 1 to 5 and chosen after consultation with bodies representing the school sector, where one of the institutions concerned operates a centre serving children;

(7) the executive director of the institutions concerned;

(8) two persons appointed by the members referred to in paragraphs 1 and 3 to 6.

Child and
youth pro-
tection and
rehabilita-
tion centre

130. The board of directors of the institutions referred to in section 125 shall be composed of the following persons, who shall be members of the board as and when they are elected or appointed:

(1) four persons elected by the population at the public meeting held pursuant to section 135;

(2) one person elected by and from among the persons employed by the institutions which operate rehabilitation centres for young persons with adjustment problems or for mothers with adjustment problems or the persons practising their professions in one of the centres operated by the institutions, one person elected by and from among the persons employed by the institution operating the child and youth protection centre and one person elected by and from among the persons employed by one of the institutions or practising in one of the centres operated by one of the institutions; however, the position titles of the elected persons must be different and, where applicable, those persons must be members of different professional corporations;

(3) one person elected by the members of the users' committee of the institution operating the child and youth protection centre and another person elected by the members of the users' committees of the other institutions;

(4) three persons appointed by the members of the corporation where one of the institutions concerned is a corporation designated by the Minister under section 139 or, if there is more than one institution of that type, appointed jointly by the members of the corporations;

(5) where applicable, one person elected by the board of directors of the foundation attached to one of the institutions concerned or, if there is more than one institution in that situation, elected jointly by the boards of directors of the foundations;

(6) two persons appointed by the members referred to in paragraphs 1 to 5, one of whom must be chosen after consultation with bodies representing the judicial sector and the other after consultation with bodies representing the education sector;

(7) the executive director of the institutions concerned;

(8) two persons appointed by the members referred to in paragraphs 1 and 3 to 6.

Local ser-
vice centre
and health
care centre

131. The board of directors of an institution which operates a local community service centre or of an institution designated as a

health care centre shall be composed of the following persons, who shall be members of the board as and when they are elected or appointed:

(1) five persons elected by the population at the public meeting held pursuant to section 135;

(2) three persons elected by and from among the persons employed by the institution or practising their professions in one of the centres operated by the institution, provided, however, the position titles of the elected persons are different and, where applicable, those persons are members of different professional corporations; however, in the case of an institution designated as a health care centre which operates both a local community service centre and a hospital, four persons shall be elected, one by and from among the physicians, dentists and pharmacists practising in one of the centres operated by the institution, one by and from among the nurses employed by the institution, one by and from among the members of the multidisciplinary council referred to in section 226, including persons performing nursing aid activities for the institution, and the last by and from among the other persons employed by the institution;

(3) where applicable, two persons elected by the members of the users' committee of the institution;

(4) where applicable, one person elected by the board of directors of the foundation attached to the institution concerned;

(5) the executive director of the institution;

(6) two persons appointed by the members referred to in paragraphs 1, 3 and 4.

Hospital
and long-
term care
centre

132. The board of directors of an institution which operates a hospital or of an institution which operates both a residential and long-term care centre and a general and specialized hospital with 50 beds or more shall be composed of the following persons, who shall be members of the board as and when they are elected or appointed:

(1) four persons elected by the population at the public meeting held pursuant to section 135;

(2) one person elected by and from among the physicians, dentists and pharmacists practising in one of the centres operated by the institution, one person elected by and from among the nurses employed by the institution, one person elected by and from among

the members of the multidisciplinary council, including persons performing nursing aid activities for the institution, and one person elected by and from among the other persons employed by the institution;

(3) where applicable, two persons elected by the members of the users' committee of the institution;

(4) three persons appointed by the members of the corporation where the institution concerned is a corporation designated by the Minister under section 139;

(5) where applicable, one person elected by the board of directors of the foundation attached to the institution;

(6) the executive director of the institution;

(7) two persons appointed by the members referred to in paragraphs 1 and 3 to 5.

University
hospital or
institute

133. The composition of the board of directors of an institution which operates a centre designated as a university hospital or a university institute shall be governed by section 129, 130, 131 or 132, as the case may be.

Affiliated
university

The board of directors shall, in addition, include two persons appointed by the university with which the institution is affiliated, one of whom carrying on mainly teaching activities and the other mainly research activities and, if the institution operates a hospital designated as a university hospital or a university institute, a medical resident elected by and from among the medical residents practising at the centre.

Cooptation

In addition, those persons shall participate in the cooptation provided for in paragraph 8 of section 129 or 130, in paragraph 6 of section 131 or in paragraph 7 of section 132, as the case may be.

Interpreta-
tion

134. For the purposes of paragraph 2 of each of sections 129 to 132, a medical resident is regarded as a physician practising in a centre operated by the institution.

Public
meeting

135. Every three years, each board of directors shall, on such day in the month of October as the Minister determines, hold a public meeting to which it invites the population for the purpose of electing the persons referred to in paragraph 1 of section 129, 130, 131 or 132, as the case may be.

Election
procedure

The election procedure to be followed at the meeting shall be determined by by-law of the regional board. The by-law must be submitted to the Minister for approval; if so approved, it comes into force, notwithstanding section 17 of the Regulations Act (R.S.Q., chapter R-18.1), on the date of publication in the *Gazette officielle du Québec*.

Separate
meetings

136. Where the facilities of an institution are situated at some distance from one another, the board of directors may decide that the public meeting provided for in section 135 shall be held in more than one place, and designate a chairman for each meeting.

Election or
appointment
procedure

137. The regional board shall, by by-law, determine the procedure for electing or appointing the persons referred to in paragraphs 2 to 6 of section 129, paragraphs 2 to 6 of section 130, paragraphs 2 to 4 of section 131, paragraphs 2 to 5 of section 132 or the second paragraph of section 133, as the case may be.

By-law

The by-law must provide that the elections or appointments under the first paragraph will take place in the month of September of the year in which the public meeting is held under section 135.

Cooptation

138. Once the elections and appointments of the persons referred to in sections 135 and 137 are completed, these persons shall, within the next 30 days, proceed with the cooptation provided for in paragraph 8 of section 129 or 130, in paragraph 6 of section 131 or in paragraph 7 of section 132, as the case may be.

Representa-
tion

Those persons must, in proceeding with the cooptation, enable persons whose competence and qualifications are judged to be useful for the administration of the institutions concerned to become members of the board of directors, ensure better sociocultural, ethnocultural, linguistic or demographic representation of the population served by the institutions on the board of directors and the most equitable representation possible of women and men.

Participa-
tion of
corporations

139. The Minister shall designate, from among the corporations referred to in paragraph 1 of section 98 which own all or part of the immovables used for the activities of the institution, those whose members may, where applicable, take part in the appointment of the persons referred to in paragraph 4 of section 129, 130 or 132, as the case may be.

Designation

The Minister must designate such a corporation if the latter proves to him that the acquisition or construction or the work performed on the immovables of the corporation have been financed otherwise than by funds from Government subsidies or public

subscriptions and that the investments have not been the subject of a reimbursement or compensation.

Appeal **140.** A corporation referred to in section 139 may appeal to the Court of Québec from a decision rendered by the Minister refusing it the designation provided for in the said section.

Procedure **141.** Appeals are brought by means of a motion filed, within 30 days of the Minister's decision, at the office of the Court of Québec in the judicial district where the head office of the institution is situated.

Motion The motion must first be served on the Minister.

Service Service shall be governed by the Code of Civil Procedure.

Record **142.** Within 10 days of the service of the motion on the Minister, the latter shall send the record relating to his decision to the office of the court.

Hearing **143.** Appeals shall be heard and decided by preference.

Decision **144.** Subject to any additional proof it may require, the court shall render its decision on the record sent to it by the Minister after allowing the parties to express their views.

Rules of practice **145.** The Court of Québec may, in the manner prescribed by the Courts of Justice Act (R.S.Q., chapter T-16), adopt the rules of practice deemed necessary for the purposes of sections 141 to 144.

Decision final **146.** The decision of the Court of Québec is final and without appeal.

Member appointed by regional board **147.** Should the election or appointment of a member under this subdivision not take place, the regional board shall appoint the member not later than 31 December in the year in which the public meeting provided for in section 135 is held.

Contestation **148.** Any interested person may apply to the Commission des affaires sociales to contest or demand the annulment of any election held pursuant to this subdivision.

Decision The Commission may confirm or annul the election or declare another person duly elected.

New
election

Where the Commission annuls the election of a member without declaring another person duly elected, a new election must be held without delay.

Elected
member

A member so elected shall remain in office for the unexpired portion of the term of office of the member whose election is annulled.

2. Terms of office and qualifications of members

Term of
office

149. The term of office of a member of a board of directors other than the executive director is three years.

Continuance
in office

The members shall remain in office notwithstanding the expiry of their terms until they are reappointed, reelected or replaced.

Ineligibility

150. The following persons cannot be members of a board of directors:

(1) persons not resident in Québec;

(2) minors;

(3) persons under tutorship or curatorship;

(4) persons convicted in the preceding five years of a crime punishable by three years of imprisonment or more;

(5) persons forfeited of office as members of the board of directors of an institution or regional board in the preceding three years, pursuant to paragraph 2 of section 498;

(6) persons convicted of an offence against this Act or the regulations in the preceding three years.

Voters

151. No person employed by the Ministère de la Santé et des Services sociaux, a regional board, an institution, any other organization providing services related to the field of health and social services or the Régie de l'assurance-maladie du Québec or remunerated by the Régie may vote or be elected at a public meeting held under section 135.

Interpreta-
tion

Scholarships, subsidies or sums of money granted or paid under a research contract are not deemed to be remuneration for the purposes of the first paragraph.

Limitation

A person employed by an institution or practising his profession in a centre operated by an institution may be elected as member of

the board of directors of the institution only in that capacity in accordance with the relevant provisions of sections 129 to 132, respectively. The person may, in other capacities, be elected or appointed member of the board of directors of any other institution.

Termination
of member-
ship

152. A person ceases to be a member of a board of directors upon becoming disqualified for appointment or election as such.

Resignation

153. Any member of a board of directors may resign by transmitting a notice in writing of his intention to the secretary. A vacancy occurs upon acceptance of the resignation by the board of directors.

Conflict of
interest

154. Any member of a board of directors, other than the executive director, who has a direct or indirect interest in an undertaking which causes his personal interest to conflict with the interest of the board or of any of the institutions under its administration must, under pain of forfeiture of office, disclose that interest in writing to the board of directors and abstain from sitting on the board and from participating in any deliberation or decision on any question relating to the undertaking in which he has that interest.

Conflict of
interest

The fact that a member of the board of directors is a minority shareholder of a corporation operating an undertaking referred to in this section does not constitute a conflict of interest if the shares of the corporation are listed on a recognized stock exchange and if the member of the board of directors concerned is not an insider of the corporation within the meaning of section 89 of the Securities Act (R.S.Q., chapter V-1.1).

Forfeiture

155. No action for forfeiture of office under section 154 may be brought except by the regional board concerned, by the institution concerned or by the Minister.

Reporting

Any person who is aware of a situation described in section 154 may report it to the regional board, the institution or the Minister.

Vacancy

156. Any vacancy occurring after the election or appointment of a member of a board of directors shall be brought to the attention of the regional board and filled, for the unexpired portion of the term of office of the member to be replaced, as follows:

(1) in the case of a member referred to in paragraph 2 or 3 of sections 129 to 132, every vacancy occurring less than two years after an election shall be filled in accordance with the election procedure prescribed for the election of that member;

(2) in every other case, the members of the board of directors remaining in office shall fill the vacancy by resolution provided the person thus appointed has the qualifications required to be a member of the board of directors in the same capacity as the member he replaces. The board of directors shall inform the regional board of the appointment.

Vacancy
filled by
regional
board

If the board of directors fails to fill a vacancy within the next 60 days, the vacancy may be filled by the regional board.

Absence
and vacancy

Any unexplained absence from a number of regular and consecutive sittings of the board of directors determined in the rules of internal management, in the cases and circumstances provided therein, also constitutes a vacancy.

§ 3.—Operation

1. Chairman, vice-chairman and secretary

Chairman,
vice-chair-
man and
secretary

157. Each year, the members of a board of directors shall elect a chairman, a vice-chairman and a secretary from among their number.

Duties of
chairman

158. The chairman of the board of directors shall preside over the sittings, see that good order is maintained and assume all other duties assigned to him by by-law of the board.

Vice-
chairman

The vice-chairman shall replace the chairman when the chairman is absent or temporarily unable to act.

Ineligibility

159. In no case may the chairman or the vice-chairman of the board of directors be a person employed by the institution or any of the institutions administered by the board, or a physician, dentist or pharmacist practising in one of the centres operated by the institution.

2. Sittings

Sittings

160. The procedure for calling sittings of the board of directors shall be determined by by-law of the board.

Public
admitted

161. The sittings of a board of directors are public; the board of directors may, however, order that a sitting be held *in camera*, particularly where it considers it expedient to avoid causing any harm to a person and at the time of deliberations on the negotiation of conditions of employment; the decisions made at sittings held *in camera* are public, subject to the protection of personal information contained therein.

Question period The board of directors must allow for a question period at each sitting.

Access to documents The documents submitted or transmitted to the board of directors and the information furnished at public sittings as well as the minutes of those sittings are public, subject to the protection of personal information contained therein.

Quorum **162.** A majority of the members of a board of directors, including the chairman or the vice-chairman, constitutes a quorum at sittings of the board.

Decisions **163.** Subject to section 201, the decisions of the board of directors are taken by a majority of the votes cast by the members present.

Casting vote In the case of a tie, the chairman of the board or the vice-chairman has a casting vote.

Signed resolution **164.** In emergencies, a resolution in writing signed by all the members of the board of directors has the same force as if it had been passed at a sitting.

Conservation The resolution shall be deposited at the next sitting and kept with the minutes of the sittings of the board of directors.

3. Reimbursement of expenses

Expenses **165.** Members of a board of directors are not remunerated. However, they are entitled to the reimbursement of expenses incurred in the performance of their duties on the conditions and to the extent determined by the Government.

4. Documents and records

Authenticity **166.** The minutes of the sittings of the board of directors, approved by it and signed by the chairman and the secretary, are authentic. The same applies to documents and copies or extracts issued by the institution or forming part of its records if certified true by the chairman of the board or the secretary.

Decisions **167.** Where the board of directors is established under any of sections 119 to 125, the minutes shall indicate which institutions, among the institutions it administers, are bound by a decision of the board. Failing such an indication, the decision shall be deemed to be binding on all such institutions.

Books and
registers

168. Every institution must keep and maintain at its head office a register of the name, address and occupation of every member of the board of directors and, if the institution is a corporation within the meaning of paragraph 1 of section 98, of every member of the corporation, and books containing the by-laws of the institution, the minutes of the sittings of the board of directors and, where applicable, those of the meetings of the members of the corporation.

Head office

The board of directors established in accordance with any of sections 119 to 125 shall determine, by resolution, at which of the head offices of the institutions under its administration its minutes, its correspondence and any other document binding several of these institutions shall be kept. A certified copy of the minutes and decisions shall, however, be transmitted and kept at the head office of each of the other institutions.

Required
signature

169. No instrument, document or writing binds an institution unless it is signed by the chairman of the board of directors, the executive director or, to the extent determined by by-law of the board, by a member of the personnel of that institution.

§ 4.—Powers and obligations of the board of directors

Function

170. The board of directors shall manage the affairs and exercise all the powers of every institution under its administration.

Duties

171. The board of directors shall establish priorities and orientations for every institution under its administration and see to it that they are observed.

Priorities

Priorities shall focus on the physical and mental health needs as well as on the social needs to be satisfied, the populations to be served and the services to be provided.

Significant
factors

Priorities must take account of the distinctive geographical, linguistic, sociocultural and socioeconomic characteristics of the users and of the human, material and financial resources put at the disposal of the institution.

Staffing
plan

In addition, the priorities must conform to the medical and dental staffing plan approved by the regional board under section 378 and with the regional service organization plans provided for in section 347.

Duties

172. The board of directors must in addition, for every institution under its administration, ensure

(1) the pertinence, quality and effectiveness of the services provided;

(2) respect for users' rights and promptness in processing users' complaints;

(3) economical and efficient use of human, material and financial resources;

(4) the participation, motivation, enrichment, maintenance of professional standards and development of human resources.

Duties

173. The board of directors must,

(1) appoint the executive director and senior management officers;

(2) confirm the designation by the executive director of the senior management officer responsible for the application of the procedure for the examination of complaints filed by users referred to in section 29;

(3) appoint physicians and dentists, assign a status and grant privileges to them and determine the obligations to be attached to such privileges;

(4) appoint pharmacists and assign a status to them, where pertinent;

(5) allocate financial resources to every institution under its administration and to the intermediate resources attached to the institutions.

**Standards
of prudence
and honesty**

174. The members of the board of directors shall, within the scope of the powers conferred on them, exercise the care, prudence, diligence and skill that a reasonable person would exercise in similar circumstances; they must also act with honesty, loyalty and in the interest of the institution or, as the case may be, of the group of institutions administered by them and of the population served.

**Defence of
directors**

175. Each institution shall assume the defence of any member of its board of directors who is prosecuted by a third person for an act done in the performance of his duties.

**Criminal
proceedings**

In penal or criminal proceedings, however, the institution shall assume the payment of the expenses of a member of the board of

directors only where he had reasonable grounds to believe that his conduct was in conformity with the law, or if he has been freed or acquitted or if the proceedings have been withdrawn or dismissed.

176. The board of directors shall meet at least ten times a year. It must also meet at the request of the chairman or at the written request of one-third of its members in office.

177. Every board of directors must, at least once a year, hold a public information meeting to which it shall invite the population.

Public notice of at least 15 days of the date, time and place of the sitting must be given to the population by the board of directors.

At the meeting, the members of the board of directors must present to the population, in accordance with the regulation made under paragraph 7 of section 505, such items of information as are prescribed with respect to the report of activities and the annual financial report of every institution under the administration of the board. They must also justify their priorities and new orientations established under section 171 and answer questions put to them with respect to the annual financial report, the management of each institution under the administration of the board of directors and the services provided by each of the institutions.

The report on the application of the complaint examination procedure referred to in section 68 shall also be presented to the population at that public information meeting.

The procedure for calling and conducting the meeting shall be determined by by-law of the institution.

178. The board of directors may hold several public information meetings if it considers that the size of the territory, the number of institutions under its administration, the density of the population invited to attend or the nature of the services provided to the users justifies the holding of several meetings.

179. Where the institution is a corporation referred to in paragraph 1 of section 98, the board of directors must see to it that the members of the corporation adopt a by-law to determine the conditions of admission of their members, their rights and obligations and the criteria or conditions relating to their resignation, suspension or exclusion.

If the members of the corporation fail to do so, the board of directors shall act in their stead.

By-laws and amendments An amendment to the by-law must, to become effective, be submitted to the board of directors for approval.

Ownership of immovables **180.** Where the institution is a corporation designated by the Minister under section 139, the board of directors must notify the members of the corporation of any measure that may entail a reduction in the value or a change in the destination of the immovables of the institution.

Alienation The board of directors cannot alienate an immovable of such an institution or change its use except with the approval of at least two-thirds of the votes cast by the members of the corporation.

Committees and councils **181.** The board of directors may, by by-law, establish the councils and committees necessary for the pursuit of its objects and determine their composition, functions, powers and duties, and the rules governing the administration of their affairs and their internal management.

Delegation The board of directors may delegate its powers to any council or committee, except those powers which the board of directors may exercise only by by-law.

DIVISION II

ADMINISTRATION OF PRIVATE INSTITUTIONS

Private institution **182.** The functions, duties and responsibilities entrusted to a board of directors under sections 171 to 173, 190, 215, 216, 221, 222, 229, 230 or under any provision of subdivision 11 of Division III of this chapter shall be carried out, in the case of a private institution, by its board of directors.

Unincorporated private institutions In the case of an unincorporated private institution, the functions, duties and responsibilities shall be carried out by the holder of the operating permit.

DIVISION III

HUMAN RESOURCES

§ 1.—*Organization plan*

Organization plan **183.** Every institution must prepare an administrative, professional and scientific organization plan. The plan shall describe the administrative structure of the institution, its divisions, services and departments as well as the clinical programs of the institution.

Structures
and respon-
sibilities

The organization plan of an institution shall indicate, on the recommendation of the council of physicians, dentists and pharmacists, which department or service is responsible for the medical, pharmaceutical or dental acts of a clinical program, or, on the recommendation of the medical service referred to in section 186, which department or service is responsible for the medical acts of that clinical program.

Transmis-
sion

The organization plan must be transmitted to the regional board and, at his request, to the Minister.

Review

The organization plan must be reviewed at least once every three years.

Content

184. The organization plan of a hospital must, in addition, provide for the formation of clinical departments and services. The plan must indicate the number of general practitioners, specialists in each specialty, dentists and dental specialists who may practise in each department and service. These elements must be determined taking into account the permit of the institution operating the hospital, the financial resources at its disposal and the regional service organization plans drawn up by the regional board, as well as the expansion or reduction objectives referred to in section 377.

Approval by
regional
board

The part of the organization plan referred to in the first paragraph must be transmitted to the regional board for approval in accordance with section 378 after having been referred for consultation to the council of physicians, dentists and pharmacists if any, and, in the case of a hospital designated as a university hospital or university institute, after consultation with the university with which the institution is affiliated.

Review

This part of the organization plan must be reviewed at least once every three years and shall continue in force until the regional board decides on its revision.

General
medicine

185. With the exception of hospitals operated by institutions designated by government regulation under paragraph 18 of section 505, the organization plan of every hospital must also provide for the formation of a clinical department of general medicine which must be under the responsibility of a general practitioner.

Number of
profes-
sionals

186. The organization plan of a local community service centre, rehabilitation centre or residential and long-term care centre must also specify the number of physicians and dentists who may practise in the centre, according to the permit of the institution, the financial

resources at its disposal and the regional service organization plans drawn up by the regional board, together with the expansion and reduction objectives referred to in section 377.

Medical
service

If at least one physician practises in the centre, the organization plan must provide for the formation of a medical service or the appointment of a physician in charge of medical care.

Medical
service
head

The medical service shall be composed of the physicians practising in the centre and shall be directed by the physician who is the head of the medical service.

Qualifica-
tions and
functions

The mode of appointment, qualifications and functions of medical service heads and of physicians in charge shall be determined by regulation under paragraph 13 of section 505. Where necessary, the second paragraph of section 214 shall apply, adapted as required, to the medical service or the physician in charge, regarding the functions determined by that regulation.

Approval by
regional
board

This part of the organization plan, after having been referred for consultation to the council of physicians, dentists and pharmacists, the medical service, or the physician in charge, as the case may be, must be sent to the regional board for approval in accordance with section 378.

University
institute

If the centre is designated as a university institute, this part of the organization plan must be prepared after consultation with the university with which the institution is affiliated.

Review

This part of the organization plan must be reviewed at least once every three years and shall continue in force until the regional board decides on its revision.

Form and
content

137. The organization plan of every institution must also provide for any element required under this Act or a regulation made under paragraphs 11 and 13 of section 505.

§ 2.—*Clinical department heads*

Department
head

138. Every clinical department formed in a hospital shall be directed by its head who must be a physician, dentist or pharmacist, except for the clinical biochemistry department whose head may be a clinical biochemist.

Term of
appointment

The clinical department head shall be appointed for not more than four years by the board of directors after consulting the physicians,

dentists and pharmacists and, where applicable, the clinical biochemists practising in the department, the director of professional services and the council of physicians, dentists and pharmacists.

University
hospital or
institute

In the case of a centre designated as a university hospital or university institute, the board of directors must also consult the university with which the institution is affiliated according to the terms of the contract of affiliation entered into in accordance with section 110.

Responsi-
bilities of
department
head

189. The head of a clinical department, under the authority of the director of professional services, shall have the following responsibilities:

(1) coordinating, subject to the responsibilities of the council of physicians, dentists and pharmacists in accordance with section 214, the professional activities of the physicians, dentists and pharmacists in his department and of the clinical biochemists, if any;

(2) managing the medical and dental resources and, if a clinical department of pharmacy is formed in the centre, the pharmaceutical resources of his department and, to the extent provided by regulation under paragraph 13 or 14 of section 505, the other resources;

(3) drawing up, for his department, rules governing the use of medical and dental resources and of material resources used by physicians and dentists; if a clinical department of pharmacy is formed in the centre, he shall be responsible for drawing up rules governing the use of the pharmaceutical resources and material resources of his department;

(4) managing, in the case of the head of the clinical department of radiology, the head of the clinical department of medical biology laboratories or the head of the clinical department of pharmacy, the resources of his clinical department to the extent provided for in the regulation referred to in subparagraph 2 of this section. The Government may in such regulation provide for the management of part or all of the resources of a clinical department of radiology, of a clinical department of medical biology laboratories or of a clinical department of pharmacy being entrusted by the director of professional services to a person other than the heads of those clinical departments;

(5) drawing up a duty roster in accordance with the by-laws of the council of physicians, dentists and pharmacists as approved by the board of directors, and seeing to its enforcement;

(6) ensuring an appropriate distribution of medical and dental care and of pharmaceutical services in his department;

(7) seeing that the rules governing the use of resources drawn up by him for his department are complied with and informing the director of professional services or the council of physicians, dentists and pharmacists of any breach of those rules by a physician, dentist or pharmacist, if the case arises.

Administra-
tive sanc-
tions

The rules governing the use of resources drawn up under subparagraph 3 of the first paragraph must include administrative sanctions which may have the effect of limiting or suspending the right of a physician or dentist to use the resources of the institution. However, such sanctions cannot be considered as a breach of the privileges granted by the board of directors to the physician or dentist, as the case may be.

Director of
professional
services

Where no head of a clinical department is designated, the responsibilities listed in the first paragraph shall be exercised by the director of professional services.

Rules

Where the head of a clinical department neglects to draw up rules governing the use of resources, the executive director may request that the director of professional services draw up such rules.

Accounta-
bility

190. The head of a clinical department is accountable to the council of physicians, dentists and pharmacists for

(1) supervising the manner in which medicine, dentistry and pharmacy are practised in his department;

(2) drawing up, for his department, rules governing medical and dental care and rules governing the use of medicines which take into account the necessity of providing adequate services to users and the organization and available resources of the institution;

(3) giving his opinion on the privileges and status to be granted to a physician or dentist upon an application for appointment or renewal of appointment and on the obligations attached to the enjoyment of such privileges and, if a clinical department of pharmacy is formed in the hospital, giving his opinion on the status to be granted to a pharmacist upon an application for appointment.

Confiden-
tiality

Notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information, all records concerning the exercise of the role described in subparagraph 1 of the first paragraph shall be confidential. No person may have access to

them except the council of physicians, dentists and pharmacists, the Commission des affaires sociales or the representatives of a professional corporation in the performance of the duties assigned to it by law.

Single set
of rules

The rules drawn up under subparagraph 2 of the first paragraph must provide that the professional practice of physicians, dentists and pharmacists of clinical departments adhere to a single set of rules.

Headless
department

Where no clinical department head is designated or where the clinical department head is not a physician, dentist or pharmacist, the responsibilities listed in the first paragraph shall be exercised by the council of physicians, dentists and pharmacists.

Neglect

Where the head of a clinical department neglects to draw up rules governing medical and dental care and rules governing the use of medicines, the board of directors may request that the council of physicians, dentists and pharmacists draw up such rules.

Restriction

191. The rules governing the use of resources drawn up under subparagraph 3 of the first paragraph of section 189 must, in particular, provide that no bed may be reserved for a particular physician or dentist for users he treats and that in cases of necessity, the director of professional services or, if there is no such director, the physician designated for that purpose by the executive director may designate a department or service in which a bed must be put at the disposal of a user.

Approval

192. The rules governing the use of resources drawn up under subparagraph 3 of the first paragraph of section 189 shall come into force after having been approved by the board of directors which beforehand must have obtained the opinion of the council of physicians, dentists and pharmacists, where such a council exists.

Approval

The rules governing medical and dental care and the rules governing the use of medicines drawn up under subparagraph 2 of the first paragraph of section 190 shall come into force after having been approved by the board of directors which beforehand must have obtained the recommendation of the council of physicians, dentists and pharmacists, where such a council exists.

§ 3.—*Executive director of a public institution*

Appointment

193. The executive director of a public institution shall be appointed by the members of the board of directors of that institution.

Where the board of directors administers more than one institution, the executive director shall also act as the executive director of each of the institutions.

Qualification No person may be appointed as executive director of an institution unless the Centre de référence des directeurs généraux et des cadres instituted by section 521 attests that he qualifies for such an appointment.

Reappointment The appointment of an executive director may not be renewed unless the body referred to in the second paragraph attests that he qualifies for reappointment or that he meets the requirements for holding the position as established at the time the classification of the position is determined.

Exception However, in exceptional cases, the Minister may, at the request of an institution, authorize that institution to renew the appointment of an executive director who does not meet the conditions set out in the third paragraph.

New classification If the classification of an executive director's position is raised, the latter may not continue to hold the position at the expiry of his contract unless the Centre de référence attests that he is qualified to do so with regard to the new classification.

Duties **194.** The executive director, under the authority of the board of directors, is responsible for the administration and operation of every institution under the administration of the board.

Duties He shall see to it that the decisions of the board of directors are carried out and that all the information the board of directors requires or needs in order to assume its responsibilities is transmitted to it.

Coordination and supervision **195.** The executive director of each institution must, in addition to performing the duties listed in section 194, see that the clinical activity taking place in the centre is coordinated and supervised.

Several institutions **196.** Where a board of directors administers several institutions, the executive director must ensure the follow-up of decisions of the board of directors with regard to issues requiring inter-institutional coordination and advise the board of directors on the following matters:

(1) the development of integrated processing policies in respect of issues of general importance to institutions such as capital investment, human resources, information systems and budget control;

(2) the possible impact on a particular institution of decisions relating to common issues;

(3) the possible impact of any decision relating to a particular institution on any other institution administered by the board.

Conflict of
interest

197. The executive director shall not, under pain of forfeiture of office, have a direct or indirect interest in an enterprise placing his personal interest in conflict with that of the institution. However, forfeiture of office is not incurred if such an interest devolves to him by succession or gift, provided that he renounces it or that, having informed the board of directors, he disposes of it within the time fixed by the board.

Disqualifica-
tion

An executive director who is forfeited of office becomes disqualified from holding any office or employment as a member of the managerial staff of any public institution or regional board for the period of disqualification determined in the judgment. That period shall not exceed three years.

Forfeiture

The board of directors, on ascertaining that the executive director is in a position of conflict of interest, shall take measures to institute proceedings for forfeiture of office against him. It shall also, within 10 days, inform the regional board in writing of the situation, specifying the nature of the case and the measures it has taken.

Provision
applicable

The second paragraph of section 154, adapted as required, applies to the executive director.

Provision
applicable

Section 155 applies to proceedings for forfeiture of office.

Disclosure

198. Every executive director must, within 60 days after his appointment, file with the board of directors a written statement mentioning any pecuniary interest he has in legal persons, partnerships or enterprises which may enter into a contract with any institution. The statement must be updated within 60 days of the acquisition of such an interest by the executive director and, each year, within 60 days from the anniversary of his appointment.

Disclosure

The executive director must, in addition, file with the board of directors, a written statement mentioning the existence of any contract of professional services entered into with an institution by a legal person, a partnership or an enterprise in which he has a pecuniary interest, within 30 days after the contract is entered into.

Exclusive
appointment

199. The executive director shall, under pain of forfeiture of office, devote himself exclusively to the work of the institution and the duties of his office.

Unremune-
rated
occupation

He may, however, hold another employment, office or function or provide another service if no remuneration or direct or indirect benefit whatever is paid or granted to him therefor.

Occupation
outside
health
sector

He may also, with the authorization of the board of directors, hold or provide, outside the health and social services sector, another employment, office, function or service for which remuneration or direct or indirect benefit of any kind is paid or granted to him.

Authoriza-
tion

He may also, with the authorization of the regional board and the board of directors, hold or provide, within the health and social services sector, another employment, office, function or service for which remuneration or direct or indirect benefit of any kind is paid or granted to him. However, only the authorization of the board of directors is required in the case of an office or function held within an association grouping a majority of the institutions carrying out activities inherent in the mission of centres of the same type or within an association of executive directors of health services and social services recognized by order in council, for labour relations purposes, or within an institutional certification body.

Mandate
from the
Minister

He may also carry out any mandate entrusted to him by the Minister.

Elective
office

He may also hold an elective public office.

Provision
applicable

Section 155 applies to proceedings for forfeiture of office.

Suspension

200. The board of directors must, on ascertaining that the executive director is violating any of the rules prescribed in section 199, suspend him without pay or take measures to institute proceedings for forfeiture of office against him, according to the seriousness of the contravention. It must also, within the following 10 days, inform the regional board and the Minister of the situation and indicate to them the nature of the case and the measures it has taken. A suspension imposed under this paragraph may vary from three to six months.

Disqualifica-
tion

An executive director who is forfeited of office becomes disqualified from holding any office or employment as member of the managerial staff of any public institution or regional board for the period of disqualification determined in the judgment. That period shall not exceed three years.

Resolution **201.** The board of directors shall not appoint or dismiss the executive director except by way of a resolution adopted at a meeting called for that purpose by the vote of not less than two-thirds of its members.

Presence at meetings The executive director cannot be present at a sitting of the board of directors of the institution while the board is discussing or deciding his dismissal, suspension, remuneration, renewal of engagement or his other terms of employment.

§ 4.—*Director of professional services*

Hospitals and health care centres **202.** A director of professional services must be appointed by any institution which operates a hospital or by any institution designated as a health care centre which operates both a local community service centre and a hospital. In the latter case, the director must be a physician and must be appointed after consultation with the council of physicians, dentists and pharmacists and, in the case of an institution operating a hospital designated as a university hospital or university institute, after consultation with the university with which the institution is affiliated.

Other institutions A director of professional services may be appointed by any other institution.

Duties **203.** Subject to the provisions of the organization plan of the institution and under the authority of the executive director, the director of professional services shall coordinate, with the other directors concerned, the professional and scientific activity of any centre operated by the institution.

Duties **204.** Under the authority of the executive director, the director of professional services referred to in the first paragraph of section 202 must, in addition to the functions provided for in section 203,

(1) direct, coordinate and supervise the activities of the clinical department heads which are provided for in section 189;

(2) obtain the opinion of the clinical department heads on the administrative and financial consequences of the activities of the physicians and dentists of the various clinical departments;

(3) apply the administrative sanctions provided for in the second paragraph of section 189 and inform thereof the council of physicians, dentists and pharmacists and the clinical department heads concerned;

(4) supervise the operation of the committees of the council of physicians, dentists and pharmacists and ensure that the council monitors and assesses adequately the medical, dental and pharmaceutical acts performed in any centre operated by the institution;

(5) take all necessary steps to ensure that any examination, autopsy or expertise required under the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2) is carried out;

(6) carry out any other function provided for in the organization plan of the institution.

Administra-
tive
sanction

205. When an administrative sanction provided for in the second paragraph of section 189 is applied, the director of professional services must inform the physician or dentist of the grounds on which he based his decision and the physician or dentist may, if he disagrees with the decision, appeal therefrom to the Commission des affaires sociales.

§ 5.—*Head of nursing*

Hospitals
and health
care centres

206. A head of nursing must be appointed by every institution operating a hospital and every institution designated as a health care centre. A head of nursing may be appointed by any other institution. The head of nursing must be a nurse.

Nurse in
charge of
nursing

However, if there is no head of nursing, the executive director shall designate a nurse to be in charge of nursing.

Duties

207. Under the authority of the executive director, the head of nursing must, for each centre operated by the institution:

(1) supervise and monitor the quality of nursing care dispensed in the centre;

(2) ensure that rules governing nursing care which take into account the necessity of providing adequate and efficient services to the users as well as the organization and resources of the institution are drawn up;

(3) promote the proper operation of the committees of the council of nurses and ensure that the nursing acts performed in the centre are properly assessed by the council.

Nurse in
charge of
nursing

Where there is no head of nursing, these functions shall be carried out by the nurse in charge of nursing.

Duties

208. Subject to the provisions of a regulation under paragraph 13 of section 505 and under the authority of the executive director, the head of nursing must, for each centre operated by the institution:

- (1) ensure appropriate distribution of nursing care in the centre;
- (2) plan, coordinate and evaluate nursing care in relation to the needs of the centre;
- (3) manage the human, material and financial resources under his governance;
- (4) carry out any other function for which provision is made in the organization plan.

§ 6.—*Users' committee*

Users'
committee

209. Each institution shall, as soon as it operates a residential and long-term care centre, a rehabilitation centre, a psychiatric hospital or a child and youth protection centre, set up a committee for the users of those centres and, in the case of a public institution or of a private institution which is a party to an agreement under section 475, allocate to it the special budget provided for that purpose in its operating budget or, in the case of a private institution which is not a party to an agreement, the amount paid for that purpose by the Minister.

Users'
request

An institution which operates a general and specialized hospital or a local community service centre may set up such a committee at the request of the users to whom it provides services.

Composition

The committee shall be composed of at least five members elected by the users of the institution. A majority of the members must be users.

Several
facilities

Where the institution operates more than one centre or uses several facilities for the same centre, the composition of the committee must ensure an equitable representation of the users of each of those centres and of the users lodged in each of those facilities.

Exclusion

210. No person under curatorship may be a member of a users' committee.

Duties of
executive
director

211. The executive director of the institution must foster the proper functioning of the users' committee and inform, in writing, every user of the existence of the committee.

Facilities and records He must make a room available for the activities of the users' committee and make it possible for the committee's records to be kept confidential.

Functions **212.** The functions of the users' committee are

(1) to inform users of their rights and obligations;

(2) to foster the improvement of the quality of the living conditions of users and assess the degree of satisfaction of users with regard to the services obtained from the institution;

(3) to defend the common rights and interests of users or, at the request of a user, his rights and interests as a user before the institution or any competent authority;

(4) to accompany and assist a user, on request, in any action he undertakes, including the filing of a complaint in accordance with Divisions I, II and IV of Chapter III of Title II.

Rules and report In addition, the users' committee must adopt operating rules, submit an annual report of its activities to the board of directors and transmit a copy of that report to the regional board.

§ 7.—*Council of physicians, dentists and pharmacists*

Establishment of council **213.** A council of physicians, dentists and pharmacists shall be established for every institution which operates one or more centres in which not fewer than five physicians, dentists or pharmacists are practising.

Composition The council shall be composed of all the physicians, dentists and pharmacists practising in any centre operated by the institution who have the status required by the regulations made under paragraph 3 of section 506.

Several institutions The board of directors formed in accordance with one of sections 119 to 125 may, however, after consulting the physicians, dentists and pharmacists concerned and the executive committee of the councils of physicians, dentists and pharmacists, if any, provide for a single council of physicians, dentists and pharmacists to be instituted for all the institutions under its administration.

Composition The council shall be composed of all the physicians, dentists and pharmacists practising in any centre operated by each institution and who have the status required by regulation referred to in the second paragraph.

Duties

214. In accordance with the by-laws of the institution, the council of physicians, dentists and pharmacists is, for each centre operated by the institution, responsible to the board of directors

(1) for controlling and assessing the quality, including the pertinence, of the medical, dental and pharmaceutical acts performed in the centre;

(2) for assessing and maintaining the professional standards of the physicians, dentists and pharmacists practising in the centre;

(3) for making recommendations on the qualifications and competence of a physician or dentist who applies for appointment or the renewal of an appointment and on the privileges and the status to be granted to him;

(4) for making recommendations on the qualifications and competence of a pharmacist who applies for appointment and on the status to be granted to him;

(5) for giving its opinion on the disciplinary measures the board of directors should impose on physicians, dentists or pharmacists;

(6) for making recommendations on the rules governing medical and dental care and on the rules governing the use of medicines applicable in the centre and formulated by each clinical department head;

(7) for making recommendations on the obligations which may be attached to the enjoyment of the privileges granted to a physician or a dentist by the board of directors, in relation to the specific requirements of the centre, particularly those concerning

(a) the participation of a physician or dentist in the clinical activities of the centre, including being on duty;

(b) the participation of a physician or dentist in teaching and research activities, where the case arises;

(c) the participation of a physician or dentist in professional, scientific, medical or administrative committees;

(d) the participation of a physician or dentist in medical activities pursuant to an agreement referred to in sections 108 and 109;

(8) for developing the modalities of a duty roster system ensuring, on a permanent basis, the availability of physicians, dentists and, where the case arises, pharmacists and clinical biochemists, according to the needs of the centre;

(9) for giving its opinion on the professional aspects of the following questions:

(a) the technical and scientific organization of the centre;

(b) the rules governing the utilization of the resources referred to in subparagraph 3 of the first paragraph of section 189 and on the administrative sanctions to be included therein;

(10) for making recommendations on the professional aspects of the appropriate distribution of medical and dental care and pharmaceutical services, and on the medical organization of the centre;

(11) for carrying out any other function entrusted to it by the board of directors.

Outside
consultant

In exercising the functions described in subparagraphs 1 and 2 of the first paragraph, except the processing of a complaint, the council of physicians, dentists and pharmacists may, with the authorization of the board of directors, call on an expert from outside the institution. The expert shall in such a case have access to the user's record.

Efficient
services

In exercising its functions, the council of physicians, dentists and pharmacists shall take into account the necessity of providing adequate and efficient services to users and the organization and available resources of the institution.

Annual
report

The council of physicians, dentists and pharmacists must report annually to the board of directors concerning the carrying out of its functions and its resulting opinions.

Advisory
role

215. The council of physicians, dentists and pharmacists shall give its opinion to the executive director on the administrative aspects of the following questions:

(1) the measures to be taken in order to ensure that the medical, dental and pharmaceutical services provided in the centre are complementary to those provided in a centre operated by another institution of the region and respond to the needs of the population to be served, taking into account the resources available and the necessity of providing adequate services;

(2) the rules governing the utilization of resources referred to in subparagraph 3 of the first paragraph of section 189 and the administrative sanctions to be included therein;

- (3) the technical and scientific organization of the centre;
- (4) the appropriate distribution of medical and dental care and pharmaceutical services, and the medical organization of the centre;
- (5) any other question brought to its attention by the executive director.

Internal
management

216. The council of physicians, dentists and pharmacists may adopt by-laws concerning its internal management, the creation and operation of committees and the pursuit of its objects. The by-laws come into force after having been approved by the board of directors.

Executive
committee

217. The responsibilities of the council of physicians, dentists and pharmacists shall be exercised by an executive committee composed of not fewer than five physicians, dentists or pharmacists designated by the council, of the executive director and of the director of professional services or, where a director of professional services has not been appointed, of the physician designated by the executive director.

Powers

The executive committee shall exercise all the powers of the council of physicians, dentists and pharmacists.

Confiden-
tiality

218. Notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information, the records and minutes of the council of physicians, dentists and pharmacists and of each of its committees are confidential.

Access

No person may have access to the minutes of a committee of the council of physicians, dentists and pharmacists except the members of the committee, the members of the executive committee of the council, the Commission des affaires sociales or the representatives of a professional corporation in the performance of the duties assigned to it by law.

Access

No person may have access to the minutes of the council of physicians, dentists and pharmacists except the members of the council, the members of the executive committee of the council, the Commission des affaires sociales or the representatives of a professional corporation in the performance of the duties assigned to it by law.

§ 8.—*Council of nurses*

219. A council of nurses shall be established for every public institution operating a centre in which at least five nurses are employed.

Composition The council is composed of all the nurses performing their duties in a centre operated by the institution.

Several institutions The board of directors, established in accordance with one of sections 119 to 125, may, however, provide that a single council of nurses be established for all of the institutions under its administration.

Composition Such a council is composed of all the nurses performing their duties in any of the centres operated by each of the institutions.

Duties **220.** The council of nurses, in accordance with the by-laws of the institution and for each centre operated by the institution, is accountable to the board of directors for

(1) assessing, generally, the quality of the nursing acts performed in the centre;

(2) making recommendations on the rules of nursing care applicable to their members in the centre;

(3) making recommendations on the proper distribution of care dispensed by their members in the centre;

(4) assuming any other function entrusted to it by the board of directors.

Annual report The council of nurses must submit an annual report to the board of directors concerning the carrying out of its functions and its resulting opinions.

Advisory role **221.** In accordance with the by-laws of the institution, the council of nurses shall, for each centre operated by the institution, give its opinion to the executive director on the following questions:

(1) the scientific and technical organization of the centre;

(2) the means to be used to assess and maintain the professional standards of nurses;

(3) any other question brought to its attention by the executive director.

Internal
management

222. The council of nurses may adopt by-laws concerning its internal management, the creation and operation of committees and the pursuit of its objects. The by-laws come into force after having been approved by the board of directors.

Nursing
assistants
committee

223. The council of nurses must form a nursing assistants committee. The committee shall be composed of three persons selected by and from among the persons performing nursing assistant's activities for the institution.

Functions

The functions of the committee are

(1) to assess the quality of nursing care provided by persons performing nursing assistant's activities for the institution;

(2) to give its opinion on the means to be used to assess and maintain the professional standards of the group of persons performing nursing assistant's activities for the institution;

(3) make recommendations on the proper distribution of the care dispensed by persons performing nursing assistant's activities for the institution.

Internal
management

The committee may adopt by-laws concerning its internal management, its operation and the pursuit of its objects. The by-laws come into force after having been approved by the executive committee of the council of nurses.

Authority

The nursing assistants committee shall report to the executive committee of the council of nurses.

Executive
committee

224. The responsibilities of the council of nurses shall be exercised by an executive committee composed of four nurses designated by the council, the chairman of the nursing assistants committee, the executive director and the head of nursing or, if there is no head of nursing, the nurse in charge of nursing care designated by the executive director.

Powers

The executive committee shall exercise all the powers of the council of nurses.

Recom-
mendation

225. Every recommendation of the nursing assistants committee that is not accepted by the executive committee of the council of nurses must be forwarded to the board of directors of the institution accompanied with the reasons for its non-acceptance.

§ 9.—*Multidisciplinary council*Multidisciplinary
council

226. A multidisciplinary council shall be established for each public institution.

Composition

The council shall be composed of all persons holding college or university diplomas who perform functions for the institution which are specific to the field of activity in which the diploma was granted and which are directly related to health services, social services, research or teaching, and of persons performing nurse's aid activities for the institution.

Exclusions

However, no physician, dentist or pharmacist may be a member of the multidisciplinary council.

Exclusions

Similarly, no nurse or person performing nurse's aid activities may be a member of the multidisciplinary council if a nursing council has been established for the institution.

Single
council

The board of directors established in accordance with one of sections 119 to 125 may, however, provide that only one multidisciplinary council will be established for all the institutions under its administration. Such a council shall be composed of all the persons referred to in this section who perform their duties in one of the centres operated by the institutions.

Duties

227. Subject to the provisions of sections 214 and 220, the multidisciplinary council is accountable to the board of directors for

(1) forming, whenever required, the joint committees needed to assess and improve the quality of the professional activities engaged in by any of its members in any centre operated by the institution;

(2) making recommendations on the proper distribution of care and services dispensed by its members, taking into account the local conditions of practice required to ensure quality services in every centre operated by the institution;

(3) carrying out any other function entrusted to it by the board of directors.

Annual
report

The multidisciplinary council must submit an annual report to the board of directors on the carrying out of its functions and its resulting opinions.

Advisory
role

228. In accordance with the by-laws of the institution, the multidisciplinary council is, for each centre operated by the

institution, accountable to the executive director for giving its opinion on the following questions:

- (1) the scientific and technical organization of the centre;
- (2) the means to be used to assess and maintain the professional standards of its members;
- (3) any other question brought to its attention by the executive director.

Internal
management

229. The multidisciplinary council may adopt by-laws concerning its internal management, the creation and operation of committees and the pursuit of its objects. The by-laws come into force after being approved by the board of directors.

Executive
committee

230. The responsibilities of the multidisciplinary council shall be exercised by an executive committee composed of at least three persons, elected by and from among the members of the council, who hold different positions and who, where applicable, are members of different professional corporations, and of the executive director and the person he designates for such purpose.

§ 10.—*Staff*

Personnel
development

231. Every public or private institution under agreement must prepare a plan of action for personnel development, with the participation of its employees and of the unions to which they belong, where that is the case.

Plan

The plan shall contain policies relating to the induction of the employees, their motivation, the enrichment of their tasks, the maintenance of their professional standards, subject to the responsibilities entrusted to the multidisciplinary council and to the council of nurses, where applicable, and policies relating to the assessment of their performance, their professional development, their mobility and the development of their career.

Assessment

The plan must be assessed and updated every year, with the participation of the employees of the institution and the unions to which they belong, where that is the case.

Annual
meeting

232. Every public institution must, once a year, hold a meeting with the personnel at which, among other topics, the priorities and orientations favoured by the board of directors for the purposes of section 171 shall be discussed.

Code of ethics **233.** Every institution must adopt a code of ethics which shall set out the rights of the users and the practices and conduct expected, with respect to the users, from the employees, the trainees, including medical residents, and the professionals practising in a centre operated by the institution.

Copies The institution must give a copy of the code of ethics to every user who is an in-patient or who makes a request therefor.

Conflicts of interest **234.** The Government may, by regulation, determine standards applicable to senior management officers or middle management officers of public institutions as regards conflicts of interest and standards applicable to senior management officers as regards exclusivity of office.

Violation No senior management officer or middle management officer may, under pain of sanctions which may include dismissal, contravene any of the standards prescribed pursuant to the first paragraph.

Contracts **235.** The Government may, by regulation, establish measures to be taken by a public institution and by the persons employed by or practising in the institution in order to prevent or put an end to conflicts of interest which may arise from the awarding of contracts between an institution and a person or enterprise in which such persons have a direct or indirect interest.

Interpretation **236.** A physician or dentist other than a member of the managerial staff of the institution is deemed not to be a member of the staff of the institution.

§ 11.—*Physicians, dentists and pharmacists*

Appointment **237.** A physician or dentist wishing to practise at a centre operated by an institution must make an application for appointment or renewal of appointment to the executive director in the manner provided by regulation under paragraph 1 of section 506.

Terms Except on notice to the contrary, a physician or dentist shall be deemed to have made an application for renewal of appointment on the same terms as his last application.

Staffing plan The executive director shall, in writing, inform the physician or dentist making an application for appointment of the state of the medical and dental staffing plan of the institution as approved by the regional board.

Recom-
mendation Where a council of physicians, dentists and pharmacists has been established for the institution, the executive director shall, before referring the application to the board of directors, obtain from the council of physicians, dentists and pharmacists a recommendation concerning the qualifications and competence of the physician or dentist, the status and privileges that should be granted to him by virtue of his appointment and the obligations that may be attached to the enjoyment of the privileges granted by the board of directors.

Decision **238.** The decision of the board of directors to accept or refuse a physician's or dentist's application for appointment shall take into account the organization plan of the institution, the number of physicians and dentists authorized in the organization plan, the resources available, the specific requirements of the institution and, where applicable, the supra-regional vocation of the institution as determined by the Minister under section 112.

Refusal The board of directors may also refuse a physician's or dentist's application for appointment on the basis of the fact that the physician or dentist, in the course of the three preceding years, has failed to give the council the prior notice required under section 254.

Refusal The board of directors may also refuse a physician's or dentist's application for appointment on the basis of criteria of qualifications, scientific competence or conduct of the physician or dentist, having regard to the specific requirements of the institution.

Refusal An application for renewal of appointment may be refused by the board of directors only on the basis of criteria of qualifications, scientific competence or conduct of the physician or dentist, having regard to the specific requirements of the institution, and fulfilment of the obligations attached to the enjoyment of the privileges granted.

Consultation If the institution operates a centre designated as a university hospital or university institute, the board of directors must also consult the university with which the institution is affiliated.

Limited
number **239.** Subject to sections 240 and 248, the board of directors may not, on pain of absolute nullity, grant privileges to a physician or dentist if the number of physicians or dentists authorized in the organization plan of the institution approved in accordance with section 378 has been reached.

Approval **240.** The board of directors must, before accepting a physician's or dentist's application for privileges, submit the application to the regional board for approval in the following cases:

(1) where the number of physicians or dentists specified in the organization plan of the institution approved in accordance with section 378 has been reached;

(2) where the organization plan of the institution has not received the approval of the regional board.

Decision
in writing

241. The board of directors shall transmit to the physician or dentist a decision in writing within 90 days after receipt of the application for appointment or renewal of appointment. In addition, the reasons for any refusal must be given in writing.

Content of
resolution

242. The resolution of the board of directors accepting a physician's or dentist's application for appointment or renewal of appointment must set out, in addition to the status assigned in accordance with the regulation made under paragraph 3 of section 506, the privileges and the period for which they are granted, the nature and range of the medical or dental activities that a physician or dentist will be allowed to engage in at the centre, and the undertaking of the physician or dentist to fulfil the obligations attached to the enjoyment of the privileges and determined on the recommendation of the council of physicians, dentists and pharmacists.

Department
or service

Where the institution operates a hospital, the resolution of the board of directors must also specify in which clinical department or service the privileges granted may be exercised.

Privileges

Privileges are granted for a maximum period of three years. They are renewed for a minimum period of two years, unless the application for renewal is for a period of less than two years.

Conditions

243. The physician or dentist may practise at the centre operated by the institution and enjoy the privileges granted to him by the board of directors on the terms set out in the resolution adopted by the board of directors.

Medical
resident

244. The board of directors of an institution bound by a contract of affiliation to a university in accordance with section 110 shall assign the status of medical resident to a person holding a doctoral degree in medicine who is undergoing a post-doctoral training program at a centre operated by the institution.

Applications
reported

245. Every three months the board of directors must inform the regional board of all applications for appointment or renewal of appointment that have been accepted by the board of directors.

Appoint- ment	246. A pharmacist wishing to practise at a centre operated by an institution must make an application for appointment to the executive director in the manner provided by regulation under paragraph 1 of section 506.
Recom- mendation	Where a council of physicians, dentists and pharmacists has been established for the institution, the executive director shall, before referring the application to the board of directors, obtain from the council of physicians, dentists and pharmacists a recommendation concerning the qualifications and competence of the pharmacist submitting the application.
Status	247. The pharmacist may practise at the centre operated by the institution upon appointment by the board of directors. If the pharmacist practises at a centre where a council of physicians, dentists and pharmacists has been established, the board of directors shall grant him a status in accordance with the regulation made under paragraph 3 of section 506.
Temporary authoriza- tion	248. The director of professional services, the chairman of the council of physicians, dentists and pharmacists or the head of a clinical department may, in case of emergency, temporarily authorize a physician, dentist or pharmacist to practise at a centre operated by the institution. In such a case the person who granted the authorization must immediately notify the executive director. The authorization is valid for a maximum period of three months and it is not renewable.
Emergency	Where the time required for obtaining the authorization may be prejudicial to a user, any physician, dentist or pharmacist may, without such authorization, give the care or services required by the state of health of the user.
Disciplinary measures	249. The board of directors may take disciplinary measures against a physician or dentist.
Content	The disciplinary measures that may be taken include a reprimand, a change in status, the withdrawal of privileges, the suspension of status or privileges for a specific period and the cancellation of status or privileges.
Grounds	Every disciplinary measure taken against a physician or dentist must give reasons and be based solely on lack of qualifications, scientific incompetence, negligence, misconduct, non-compliance with the by-laws of the institution, having regard to the specific requirements of the institution, or non-compliance with the terms set out in the resolution referred to in section 242.

Procedure	The disciplinary measures must be imposed in accordance with the procedure prescribed by regulation under paragraph 2 of section 506.
Copy of decision	The executive director must send a copy of the decision to the professional corporation concerned.
Disciplinary measures	250. The board of directors of an institution may also take disciplinary measures against a pharmacist after having obtained the opinion of the council of physicians, dentists and pharmacists, if any.
Range	Disciplinary measures range from reprimand to dismissal.
Provisions applicable	The fourth and fifth paragraphs of section 249 apply, adapted as required, to disciplinary measures taken against a pharmacist.
Suspension of privileges	251. The director of professional services, the chairman of the council of physicians, dentists and pharmacists, the head of the clinical department concerned or, if these persons are absent or fail to act, the executive director may, in case of emergency, suspend the privileges of a physician or dentist practising at the centre.
Suspension of status	The director of professional services, the chairman of the council of physicians, dentists and pharmacists, the head of the clinical department of pharmacy or, if these persons are absent or fail to act, the executive director may, in case of emergency, suspend the status of a pharmacist practising at the centre.
Notification	A person who makes the decision to suspend the privileges of a physician or a dentist or the status of a pharmacist must immediately notify the chairman of the executive committee of the council of physicians, dentists and pharmacists and, within 48 hours, send him a report.
Duration	A suspension is valid until the board of directors has made a decision in that regard, but it may not exceed a period of ten days.
Appeal	252. A physician or dentist who is not satisfied with a decision rendered in his regard on the basis of criteria of qualification, scientific competence, conduct or concerning disciplinary measures may appeal therefrom to the Commission des affaires sociales.
Conditions	He may also appeal to the Commission if more than 90 and less than 180 days have elapsed since he applied for appointment in accordance with section 237 and if no decision has been transmitted to him.

Appeal

253. A pharmacist who is not satisfied with a decision rendered in his regard under section 250 may appeal therefrom to the Commission des affaires sociales.

Decision to
cease
practice

254. A physician or dentist who decides to cease to practise in a centre must give prior notice of at least 60 days to the board of directors.

Effect

The decision of the physician or dentist becomes irrevocable upon receipt of the notice by the board of directors, and takes effect at the end of the period indicated in the notice.

Notice
waived

255. Notwithstanding section 254, the board of directors may authorize a physician or dentist to cease to practise in the centre without prior notice or with notice of less than 60 days if it considers that his leaving does not affect the quality or adequacy of the medical or dental services offered to the population served by the centre.

Notification

256. The board of directors must, every three months, notify the regional board whenever a physician or a dentist has made the decision to cease to practise in accordance with sections 254 and 255.

Period of
non-partici-
pation

257. A physician or dentist who ceases to practise in a centre without the authorization of the board of directors and without giving prior notice of at least 60 days or before the end of the period indicated in the notice becomes, from the date fixed by the Régie de l'assurance-maladie du Québec, a non-participating professional for the purposes of the Health Insurance Act for a period equal to twice the number of days remaining of the notice given.

Information
sent to the
Régie

The board of directors shall forthwith inform the Régie that the physician or dentist has left, and shall indicate the period for which he becomes a non-participating professional.

Professional
corporation

Where, on the advice of the council of physicians, dentists and pharmacists, as the case may be, the board of directors believes that the departure of a physician or dentist may affect the quality or adequacy of the medical or dental services offered to the population served by a centre, it shall inform the Corporation professionnelle des médecins du Québec or the Corporation professionnelle des dentistes du Québec, as the case may be, in writing.

Liability
insurance

258. Every physician or dentist practising in a centre must hold a valid professional liability insurance policy for himself and his succession, accepted by the board of directors, and he must, each year, establish that the policy is in force.

Insurance However, a physician may fulfil his obligation under the first paragraph by furnishing each year to the board of directors proof that he is a member of the Canadian Medical Protective Association.

Remunera-
tion by
institution
prohibited **259.** No institution may pay any remuneration or grant any direct or indirect benefit to a physician practising under the plan established by the Health Insurance Act for services insured under that plan which are provided in a centre it operates, nor may it pay any remuneration or grant any such benefit to that physician as consideration for the performance of any other activity in the centre, except to the extent prescribed by regulation of the Government made under paragraph 22 of section 505.

DIVISION IV

MATERIAL AND FINANCIAL RESOURCES

§ 1.—*Rules relating to material resources*

Public
institutions **260.** No public institution may, without having obtained the advice of the regional board concerned and prior authorization from the Minister and from the Conseil du trésor,

(1) acquire, alienate, charge with a servitude or hypothecate an immovable or assign an immovable and give it as security;

(2) build, enlarge, develop, convert, demolish, rebuild or make major repairs to its immovables, except in the cases provided for in paragraph 3 of section 263.

Private
institutions A private institution under agreement is subject to the first paragraph, except to charge with a servitude or hypothecate an immovable or to assign an immovable and give it as security.

Powers
dele-
gated to
the Minister **261.** The Conseil du trésor may, on the conditions and to the extent that it determines, delegate to the Minister all or some of the powers vested in it under section 260.

Publication The deed of delegation shall be published in the *Gazette officielle du Québec* and shall come into force on the fifteenth day following the date of publication.

Accounting **262.** Every public institution shall identify, in a specific accounting item in its fixed assets fund, the net proceeds resulting from the alienation of an immovable. This sum, and the revenues therefrom, shall be used for any purpose that is consistent with the

use of the fixed assets fund. If the institution obtains prior authorization from the Minister, which will be given on the recommendation of the regional board, the sum and the revenues may also be used to finance a specific operating expenditure of the institution.

Authori-
zation
required

263. No public institution or private institution under agreement may, without having obtained prior authorization from the regional board,

(1) lease an immovable;

(2) grant a lease on, lend or otherwise permit a third person to use any of its immovables for a period exceeding one year;

(3) carry out construction, enlargement, development, conversion, demolition, reconstruction or major repair work on its immovables where the estimated total cost of the project is less than the amounts determined by regulation under paragraph 3 of section 505, except development, repair, improvement or maintenance work the cost of which is less than the amounts determined by the same regulation and which requires no borrowing for its financing.

Nullity

264. A contract made by an institution without the prior authorization of the Conseil du trésor, the Minister or the regional board is absolutely null in all cases where such authorization is required by this Act.

Standards

Furthermore, every contract must, on pain of nullity, be made in accordance with the standards, terms and procedure prescribed by regulation of the Minister.

Action

An action for nullity of a contract made by an institution contrary to this section may be instituted by the Minister, the regional board or any interested person.

Prohibited
activities

265. No public institution may

(1) acquire shares in another corporation or operate a commercial enterprise, except with the advice of the regional board concerned and to the extent provided in an agreement entered into with the Minister, the terms of which shall be made public by the institution;

(2) grant loans to third persons out of the sums of money administered by it;

(3) guarantee, endorse or otherwise grant security for payment of the obligation of a third person;

(4) dispose gratuitously of property, except in the case of property of small value or, with the prior authorization of the regional board, where the property is disposed of in the interest of the institution or its mission, in favour of another institution or for humanitarian purposes;

(5) neglect to exercise or renounce a right belonging to it, except for value;

(6) grant any subsidy to a third person, except in the case of amounts that may be paid, or goods and services that may be provided, to users or other persons as material or financial assistance under this Act or any other legislative or regulatory provision.

Action An action for nullity of a decision, by-law, resolution or contract made or adopted by an institution contrary to the first paragraph may be instituted by the Minister, the regional board or any other interested person.

Interpretation Organization by an institution of activities which are subsidiary to the health services or social services it provides shall not constitute a commercial enterprise.

Acquisition of immovables **266.** A public institution may acquire, by expropriation, any immovable it needs to enlarge its facilities or to organize services relating to the general operations of any centre it operates.

Corporation d'hébergement du Québec The Corporation d'hébergement du Québec referred to in section 471 may, in the same manner and in the place and stead of the institution, acquire such an immovable for the purposes of the institution.

Liability insurance **267.** Every institution which does not belong to an association recognized by the Minister for the negotiation and conclusion of a contract of civil liability insurance in favour of its members and the management of the deductible must enter into such a contract in respect of acts for which it may be held liable.

§ 2.—*Gifts, legacies and subsidies*

1. Acceptance

Gifts and legacies **268.** Any institution may receive gifts, legacies, subsidies or other voluntary contributions from any person or any public or private body wishing to assist in the carrying out of the mission of a centre administered by an institution.

Authori-
zation
required

However, no institution may, without the prior authorization of the regional board, accept gifts, legacies, subsidies or other contributions to which direct or indirect charges for an amount greater than that fixed by regulation of the Minister are attached, except from the Gouvernement du Québec or from departments and agencies whose operating expenses are borne by the consolidated revenue fund. In that case, the Government, the department or the agency concerned must notify the regional board thereof.

Interpreta-
tion

Any gift of equipment of a greater value than that fixed by regulation of the Minister is, for the purposes of the second paragraph, deemed to entail a charge.

Immovables

The gift of an immovable is subject to section 260.

Use of gifts
or legacies

269. Every amount received as a gift, legacy, subsidy or other form of contribution, except an amount granted by the Gouvernement du Québec or a department or agency referred to in section 268, shall be entered directly in the institution's own property and is subject to the rules governing the use of such property that are determined by regulation of the Minister.

Special fund

However, the amount of a contribution made for special purposes shall be paid into a special fund created by the institution. It shall be deposited or invested in accordance with the provisions of the Civil Code concerning the investment of property of others, until it is used for the special purposes for which the contribution was made.

Endowment
fund

Where sums have been granted for the specific purpose of furnishing the institution with capital that must be preserved and of which only the income may be used, the amount thereof shall be paid into an endowment fund created by the institution and administered in the manner set out in the second paragraph.

Statements

A separate statement for each fund created under this section shall appear in the financial statements of the institution.

Money or
benefit
received
from foun-
dation

270. A public institution that receives a sum of money or a direct or indirect benefit from a foundation or corporation that solicits funds or gifts from the public for purposes related to health and social services must mention it in a schedule appended to its annual financial report indicating the object for which the sum of money or benefit was granted.

2. Foundations

Foundation **271.** Any institution may, with the prior authorization of the regional board, transfer the administration of all or part of any fund referred to in section 269 to a foundation or a non-profit corporation incorporated under the laws of Québec whose object is to administer the contributions paid to the institution or to several institutions or to receive directly contributions paid by other persons for special purposes.

Funds held in trust The funds whose administration is so transferred to a foundation or non-profit corporation are deemed received in trust; the foundation or corporation is, in respect of such funds, subject to the same obligations and vested with the same powers as a trust company incorporated in Québec.

Dissolution In cases of dissolution of the foundation or non-profit corporation, the funds which have not yet been used for the special purposes stipulated, together with the accrued income and interest derived from the investment of the funds, shall be returned to the institution and administered in the manner prescribed in section 269.

Assistance from foundation **272.** A public institution may accept financial or material assistance from a foundation or corporation referred to in section 271 for any of the following purposes:

(1) the purchase, construction, renovation, improvement, enlargement or development of immovable property used or to be used by the institution;

(2) the purchase, installation, improvement or replacement of furnishings, equipment or machinery of the institution;

(3) the research activities of the institution;

(4) the improvement of the quality of life of the users of the institution;

(5) the training and development of the human resources of the institution for specific needs.

Assessment and approval Before accepting such assistance, the institution must submit its project to the regional board for assessment and approval in the following cases:

(1) where the value of the material assistance is greater than the amount fixed by regulation of the Minister;

(2) where direct or indirect charges for an amount greater than that fixed by regulation of the Minister are attached to the financial assistance;

(3) where, regardless of the amount of assistance, the utilization sought lies outside the scope of the activities of the institution as defined in the regional services organization plans prepared by the regional board;

(4) where the assistance is intended to finance research activities not recognized by the Fonds de la recherche en santé du Québec or by an organization devoted to the development of social research.

Required documents

The application must be accompanied with such documents and contain such information as are determined by the regional board.

Requirements for approval

After having assessed the relevance and the financial viability of the project, and after having ascertained that the foundation or corporation has the financial potential to honour its commitments, the regional board shall notify the institution of the eligibility of the project or of the requirements for its approval.

Verification by regional board

273. The regional board may, at any time, verify the accuracy of information given to it by an institution concerning any project submitted under section 272, or demand information on the use made of assistance obtained under that section, as the case may be.

Assistance obtained through false representation

Where an institution has obtained the right to receive assistance through false representation or has used any part of the assistance for purposes other than those for which it should have been used, the regional board may, of its own initiative or at the request of the Minister, declare the institution forfeited of the benefit of the assistance granted and take any step to require the institution and the foundation or corporation providing the assistance to remedy the situation.

Gifts from foundation prohibited

274. No executive director of a public institution may, under pain of forfeiture of office, and no senior management officer or middle management officer of a public institution may, under pain of sanctions which may include dismissal, accept any sum of money or any direct or indirect benefit from a foundation or corporation that solicits funds or gifts from the public for purposes related to health or social services.

Provisions applicable

The second, third and fifth paragraphs of section 197, adapted as required, apply to the executive director.

Nullity of gift **275.** A gift made to the owner, a director or an employee of an institution who is neither the spouse nor a close relative of the donor is null if it was made while the donor was receiving care or services from the institution.

Nullity of gift A gift made to a member of a family-type resource while the donor was residing there is also null.

Nullity of legacy **276.** A legacy made to the owner, director or employee of an institution who is neither the spouse nor a close relative of the testator is null if it was made while the testator was receiving care or services from the institution.

Nullity of legacy A legacy made to a member of a family-type resource while the testator was residing there is also null.

Applicability to physician, dentist or pharmacist **277.** The restrictions provided for in sections 275 and 276 also apply, adapted as required, to a physician, a dentist or a pharmacist practising in a centre operated by an institution, a person undergoing training at such a centre, a person who, under a service contract, provides services on behalf of the institution to the users of the institution and to any third person assisting the provider of services in the performance of his obligation under the contract.

§ 3.—*Rules relating to financial resources*

1. Provisions applicable to all institutions

Annual report **278.** Every institution must transmit an annual report of its activities to the regional board and to the Minister within three months after the end of its fiscal year. The report must be filed in the form determined by the Minister and must contain any information required by him and by the regional board.

Information and reports **279.** Every institution must, at the request of the regional board, furnish to it, in the form and within the time prescribed by it, such statements, statistical data, reports and other information on the activities of the institution as it requires or as it considers necessary for the performance of its functions. The Minister may request a copy thereof from the regional board. No document may be furnished that would permit a user of the institution to be identified.

Application This section applies to a private institution not under agreement only if it is accredited for the purposes of subsidies in accordance with the provisions of Chapter III of Title II of Part III and to the extent that the information is necessary for the application of such provisions.

Public
information

280. The information contained in a report or document prescribed by this subdivision is public.

Access

Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information, no person may have access to a report or document prescribed by this subdivision before the date of expiry of the time for transmitting the report or document or, if transmitted after that date, before the date of transmission.

Taxes and
compensa-
tions

281. Sums of money paid by the Government in respect of an immovable owned by an institution and standing in lieu, in its regard, of taxes, compensations and tariffs payable to a municipality by a person as the owner, lessee or occupant of an immovable shall be part of the operating expenses of the institution concerned. This section applies to sums of money paid in that respect by the Government from 21 December 1979.

2. Provisions applicable to public institutions

Fiscal year

282. The fiscal year of a public institution ends on 31 March.

Allocations

283. The institution shall, each year, establish rules and procedures for the allocation of its financial resources to the various items or entries according to the requirements of its own organization plan.

Rules

The rules must allow for any budgetary transfers that may be required under a program during the fiscal year for the proper operation of the institution and the adequate provision of the services it is called upon to provide.

Estimates

284. Every executive director of an institution shall submit to the board of directors the operating budget estimates for the following fiscal year for the institution or for each of the institutions under the administration of the board, before the date fixed by it. The estimates shall be drawn up within the budgetary parameters set forth by the regional board, which must be consistent with those transmitted by the Minister.

Content

The estimates for the operating budget shall show the amount required by the institution for the operations relating to the provision of the services which it is called upon to provide and which are essential for the carrying out of the mission of any centre it operates. The budget estimates of expenditures and revenues must be balanced.

Amount of
operating
budget

285. Before 1 April each year, the regional board shall inform every board of directors of the institutions referred to in sections 119 to 125 of the total of the amounts it is allocating to the operating budget of each institution under the administration of these boards.

Adoption

Within 30 days from the transmission of the information, the board of directors shall apportion, among the institutions under its administration, the total amount indicated by the regional board, see to it that the operating budget of every institution under its administration is revised, if necessary, adopt the operating budget of every institution and inform the regional board thereof.

Balancing
plan

Where a budget balancing plan is required to enable an institution under the administration of the board of directors to comply with its operating budget, the board of directors shall see to it that such a plan is prepared, adopted and transmitted to the regional board, within 60 days, along with the operating budget of the institution.

Amount of
operating
budget

286. Before 1 April each year, the regional board shall inform every institution not referred to in section 285 of the total amount it shall allocate to its operating budget for the following fiscal year.

Adoption

Within the following 30 days, the board of directors shall see to it that the operating budget of the institution is revised, if necessary, adopt the operating budget of the institution and inform the regional board thereof.

Balancing
plan

Where a budget balancing plan is required to enable the institution to comply with its operating budget, the board of directors shall see to it that such a plan is prepared, adopted and transmitted to the regional board, within 60 days, along with the operating budget of the institution.

Renewal of
budget

287. If, on 1 April in any year, the total amount allocated to the operating budget of an institution has not been communicated to the institution by the board of directors under the second paragraph of section 285 or by the regional board under the first paragraph of section 286, as the case may be, one-quarter of the budget for the preceding fiscal year shall be renewed at the beginning of each quarter of the fiscal year and shall remain in force until it is replaced by the total amount allocated to the budget for the fiscal year concerned.

Reports

288. Each institution shall transmit to the regional board, on the dates and in the form it determines,

(1) periodic reports on budget use and on the operation of the institution;

(2) an annual statistical report on the resources and services of the institution for the last fiscal year.

Content The reports must contain any information required by the regional board or the Minister.

Copies The regional board shall furnish a copy of these reports to the Minister at his request.

Audit **289.** The books and accounts of each institution shall be audited every year by an auditor.

Appointment of auditor **290.** The board of directors shall appoint an auditor for the current fiscal year of the institution before 30 September each year.

Authorization of regional board No institution may retain the services of the same accounting firm for more than four consecutive years, except with the authorization of the regional board. In addition, the adjudication of a contract of service to an accounting firm must, under pain of nullity, be made in accordance with the standards, conditions and procedure prescribed by regulation of the Minister.

Vacancies **291.** If the auditor leaves office before the end of his term, the board of directors of the institution shall fill the vacancy at its next sitting.

Right of access **292.** In the performance of his duties, the auditor shall have access to all the books, registers, accounts and other accounting records and vouchers of the institution. Every person having custody of such documents must facilitate his examination of them.

Right of access The auditor may also require from the members of the board of directors of the institution or from the officers, employees or other representatives of the institution the information, explanations and other documents necessary for the carrying out of his mandate.

Examination **293.** The auditor shall, for the fiscal year for which he has been appointed, audit the financial statements of the institution and perform the other duties included in his mandate, in particular those determined by regulation under paragraph 8 of section 505 and, if the case arises, those determined by the institution, the regional board or the Minister.

Report **294.** The auditor shall submit his audit report to the board of directors of the institution.

Annual
report of
institution

295. The institution shall, on or before 30 June each year, submit to the regional board its annual financial report for the last fiscal year. The report shall be prepared on the forms prescribed by the Minister and shall include the financial statements of the institution, the audit report referred to in section 294 and any other information required by the regional board or by the Minister.

Transmis-
sion
to the
Minister

The regional board shall transmit a copy of the annual financial report of the institution to the Minister, at his request.

Authorized
loans

296. Notwithstanding any legislative provision inconsistent herewith, an institution may, with the prior authorization of the regional board and subject to the terms and conditions it determines, borrow money by any method recognized by law to pay current operating expenditures or capital expenditures made for the organization of complementary activities in accordance with section 115 or as part of an investment project which is self-financed by savings to be made in the current operating expenditures.

Authorized
loans

The institution may also, with the prior authorization of the Minister and subject to the terms and conditions he determines, borrow money by any method recognized by law to finance capital expenditures or the debt service of the institution.

Conditions

The Minister shall determine in what cases and circumstances and on what conditions the regional board may allow borrowings to be made under the first paragraph, and the maximum amount of such borrowings.

Information

297. At the request of the regional board or of the Minister, the institution shall, either directly or through the financial institutions with which it does business, furnish the board or the Minister with any information on its financial position.

3. Provisions applicable to private institutions under agreement

Fiscal year

298. The fiscal year of a private institution under agreement ends on 31 March.

Operating
budget

299. On 1 April each year, the regional board shall transmit to each private institution under agreement in its region its operating budget for the current fiscal year. The budget shall be established on the basis of the financing agreement entered into between the institution and the Minister, according to the terms and conditions, if any, set out therein.

Renewal of budget If, on 1 April in a year, the operating budget of an institution has not been transmitted to it, one quarter of the budget for the preceding fiscal year shall be renewed at the beginning of each quarter of the fiscal year and shall remain in force until it is replaced by the budget for the fiscal year concerned.

Provisions applicable **300.** Every private institution under agreement is subject to sections 288 to 295 as regards reports to be submitted and audits to be made.

Reports The periodic reports referred to in subparagraph 1 of the first paragraph of section 288 must, however, contain only the information necessary for the application of the relevant provisions of the financing agreement entered into with the Minister.

DIVISION V

INTERMEDIATE AND FAMILY-TYPE RESOURCES

§ 1.—*Intermediate resources*

Public institutions and intermediate resources **301.** A public institution identified by the regional board may call upon the services of an intermediate resource for the purpose of carrying out the mission of a centre operated by the institution.

Interpretation **302.** Every resource attached to a public institution through which the institution provides lodging and support or assistance services to a user, according to his needs, with a view to maintaining or integrating him into the community is an intermediate resource.

Classification of services **303.** In order to foster an adequate framework and the regional implementation of intermediate resources, and to ensure sufficient flexibility for the emergence of new resources within the framework of regional service organization plans, the Minister shall propose to regional boards a classification of the services offered by intermediate resources based on the degree of support or assistance required by users.

Rates of compensation The classification shall be accompanied with the rates of compensation applicable to each type of service so classified.

Criteria for admission The Minister shall also identify the policy to be followed by regional boards in determining the rules and procedures governing access to the services provided by intermediate resources, including the general criteria for admission to such resources.

Duties of
regional
board

304. The regional board shall, in addition to establishing the rules and procedures of access to the services provided by intermediate resources in its region,

(1) specify the criteria for recognizing intermediate resources, recognize them and keep a register of recognized resources classified according to the types of clientele;

(2) identify the public institutions in its region which may call upon the services of intermediate resources and which must ensure professional follow-up;

(3) allocate to the institutions concerned the amounts necessary for making payments to intermediate resources in accordance with the applicable compensation rates;

(4) ensure that mechanisms for concerted action between institutions and their intermediate resources are established and put into operation.

Recruitment
and assess-
ment

305. Public institutions identified by the regional board shall themselves recruit and assess intermediate resources with a view to their recognition by the regional board.

Several
institutions

306. With the authorization of the regional board, several institutions may call upon the services of the same intermediate resource. The regional board shall, however, see to it that the institutions concerned agree on the professional follow-up and on the payments made to the resource.

Settlement
of misunder-
standings

307. Every person responsible for an intermediate resource may apply to the regional board for review of a decision made by the public institution to which the resource is attached to settle any misunderstanding concerning them.

Examination

The regional board must, when examining the application, give the institution and the person responsible for the resource the opportunity to present their views.

Decision

After examining the application, the regional board shall transmit its decision to the institution and to the person responsible for the intermediate resource.

Municipal
permit

308. A municipal permit or certificate shall not be refused and proceedings under a by-law shall not be instituted for the sole reason that a building or dwelling premises are to be occupied in whole or in part by an intermediate resource.

Precedence This section takes precedence over any general or special Act and over any municipal by-law adopted under any such Act.

Provisions applicable to intermediate resources **309.** The person responsible for, or the employees of, an intermediate resource, as the case may be, are subject to the following provisions of this Act, adapted as required:

(1) the right, recognized by section 16, of a person or of his assigns to pursue a remedy against that resource;

(2) the practices and conduct expected of employees in respect of users as set out in the code of ethics of the institution in accordance with section 233;

(3) the restrictions imposed by sections 275, 276 and 277 as regards gifts or legacies made by a user while he was receiving services from an intermediate resource.

§ 2.—*Family-type resources*

Placement of adults **310.** A public institution identified by the regional board may call upon the services of a family-type resource for the placement of adults or elderly persons.

Placement of children Subject to the third paragraph, only an institution operating a child and youth protection centre may recruit and call upon the services of such a resource for the placement of children. It shall see to it that professional follow-up is provided to the child by the institution best suited to assist him.

Placement of handicapped children An institution which operates a rehabilitation centre for mentally or physically impaired persons may, for its clientele, recruit and call upon the services of family-type resources for children provided, however, that the placement in such resources is made in accordance with the provisions of section 357 and of the regulation made under paragraph 10 of section 505.

Foster families and homes **311.** Family-type resources comprise foster families and foster homes.

Recognition **312.** One or two persons receiving in their home a maximum of nine children in difficulty entrusted to them by a public institution in order to respond to their needs and afford them living conditions fostering a parent-child relationship in a family-like environment may be recognized as a foster family.

Recognition One or two persons receiving in their home a maximum of nine adults or elderly persons entrusted to them by a public institution in order to respond to their needs and afford them living conditions as close to a natural environment as possible may be recognized as a foster home.

Interpreta- **313.** Activities and services provided by a family-type resource
tion are deemed not to be a commercial enterprise or a means to make profit.

Provisions **314.** The provisions of sections 303 to 308 apply, adapted as
applicable required, to family-type resources.

CHAPTER IV

RULES APPLICABLE TO THE CONSTITUTING INSTRUMENT OF INSTITUTIONS

DIVISION I

GENERAL PROVISIONS

“Constitu- **315.** “Constituting instrument of an institution” means the
ting instru- special Act constituting the institution, the letters patent,
ment” supplementary letters patent, the articles of incorporation or
continuan- ce and any other document or charter granted for its
incorpora- tion.

Precedence In case of discrepancy between this Act and the constituting
instrument of an institution including any relevant provision of the
Act under which the constituting document was granted, this Act shall
prevail.

Authoriza- **316.** No constituting instrument of an institution may be
tion granted, amended, revoked or abandoned without the written
authorization of the Minister.

Exception However, the Minister may, with the same effects, give the
authorization referred to in the first paragraph in cases where the
constituting instrument of an institution has been granted, amended,
revoked or abandoned without that authorization.

DIVISION II

INCORPORATION OF A PUBLIC INSTITUTION

Incorporation

317. From (*insert here the date of coming into force of this section*), no public institution may be incorporated otherwise than under this Act.

Letters patent

318. Where the amalgamation or conversion of institutions or, as the case may be, the expansion of the sphere of activity of a centre entails the creation of a public institution, the public institution shall be incorporated by letters patent issued by the Inspector General of Financial Institutions, at the request of the Minister.

Publication

Notice of the issuance of letters patent shall be published in the *Gazette officielle du Québec*.

Content

319. The letters patent shall indicate the name of the institution, the location of its head office and the mission of each centre operated by the institution. They shall also indicate, in the case of a hospital or a rehabilitation centre, its class and, in the case of a rehabilitation centre for physically impaired persons, its type.

Content

In the case of an institution referred to in section 131 or 132, the letters patent shall indicate the names of not less than five and not more than the number of persons who must be elected or appointed under the said sections. Such persons shall be appointed as members of the board of directors until the elections or appointments provided for in the said sections have taken place.

Content

The letters patent may also contain any other provision consistent with this Act.

Status

320. From the date of issuance of the letters patent, the institution is a corporation within the meaning of the Civil Code. It is vested with the general powers of such a corporation and the special powers conferred upon it by this Act.

Correction of errors

321. When the letters patent contain a misnomer, a misdescription or a clerical error, the Inspector General of Financial Institutions may, if there is no contestation, direct the letters patent to be corrected or cancelled, and corrected letters patent to be issued.

Supplementary letters patent

322. To amend the constituting instrument of a public institution, other than an institution to which paragraph 1 of section 98 refers, the Inspector General of Financial Institutions shall issue supplementary letters patent at the request of the Minister.

Publication A notice of issuance of supplementary letters patent shall be published in the *Gazette officielle du Québec*.

DIVISION III

AMALGAMATION AND CONVERSION

Amalgama- **323.** The following institutions may amalgamate to form a
tion public institution incorporated under this Act:

(1) two public institutions;

(2) a public institution and a private institution referred to in paragraph 3 of section 99 or in section 551;

(3) two or more private institutions referred to in paragraph 2 of this section.

Conversion **324.** The following institutions may be converted into a public institution incorporated under this Act:

(1) a public institution referred to in paragraph 1 of section 98;

(2) a private institution referred to in paragraph 3 of section 99 or in section 551.

Conditions **325.** No institution may be amalgamated or converted except with its consent and on the conditions agreed upon, after consultation with the regional board, between the institution and the Minister.

Resolution **326.** The amalgamation or conversion shall be requested by a resolution adopted for that purpose by the board of directors.

Content The resolution shall indicate

(1) the name of the new institution;

(2) the place in Québec where the corporate seat of the institution will be situated;

(3) the mission of each centre operated by the institution and, where applicable, the class to which a rehabilitation centre or hospital will belong and the type to which a rehabilitation centre for physically impaired persons will belong;

(4) any other condition, term or measure concerning the administration and operation of the institution which is consistent with this Act.

Designated
corporations

327. Where the amalgamation or conversion involves a corporation designated by the Minister under section 139 or referred to in paragraph 3 of section 99 or in section 551, the conversion or amalgamation resolution must be approved by at least two-thirds of the votes cast by the members of the corporation at a meeting called for that purpose.

Amalgama-
tion or
conversion
proposed by
the Minister

328. Notwithstanding sections 325 to 327, the Government may, on a proposal by the Minister, amalgamate two or more public institutions which do not own their immovable assets or whose immovable assets have been acquired out of funds derived for the greater part from government subsidies. The Minister shall propose such an amalgamation where, after consulting the regional board, he is of the opinion that the public interest warrants it.

Notice of
intention

The Minister shall publish in the *Gazette officielle du Québec* a notice of his intention to propose to the Government, 45 days after the publication of the notice, the amalgamation of the institutions and the issue of letters patent to that effect by the Inspector General of Financial Institutions.

Hearing

After publication of the notice, the Minister shall give the institutions concerned the opportunity to present their views.

Rights and
obligations
of resulting
institution

329. The new institution resulting from the amalgamation or conversion, under the name given to it by the letters patent, has all the rights, acquires all the property and assumes all the obligations of the amalgamated institutions or of the converted institution, and proceedings to which the latter are parties may be continued without continuance of suit.

DIVISION IV

INTEGRATION

Integration

330. A public institution may, within the scope of its objects, agree with another public institution to integrate the whole of its property, rights and obligations with those of that institution.

Agreement

The integration agreement shall indicate the date on which the integrating institution shall take charge of the activities of the integrated institution, and make any necessary provision for the carrying out of the integration and for the management of the activities of the integrated institution.

Cancellation or amendment The agreement must provide for the cancellation or amendment, as the case may be, of the constituting instrument of the integrated institution.

Resolution With the authorization of the regional board, each institution shall adopt the integration agreement by resolution of its board of directors. Section 327 applies, adapted as required, to the resolution.

Approval **331.** The integration agreement must be submitted to the Minister for approval. The Minister shall transmit a copy thereof, duly signed, together with a certified copy of each of the resolutions made for its adoption and execution, to the Inspector General of Financial Institutions.

Constituting instrument and letters patent The Inspector General of Financial Institutions, in accordance with the provisions of the integration agreement, shall cancel the constituting instrument of the integrated institution or, as the case may be, issue supplementary letters patent to amend it. Where the integrated institution is a corporation within the meaning of paragraph 1 of section 98, the second paragraph of section 548 and section 549, adapted as required, apply to the supplementary letters patent issued to the institution.

Rights and obligations **332.** From the date of integration, the integrating institution acquires the rights and property of the integrated institution and assumes the obligations thereof. Proceedings to which the integrated institution is a party may be continued without continuance of suit.

DIVISION V

DISSOLUTION

Cancellation of letters patent **333.** The Inspector General of Financial Institutions may, at the request of a public institution referred to in paragraph 2, 3 or 4 of section 98 and with the authorization of the Minister, cancel the letters patent of the institution. The cancellation takes effect 60 days after publication of notice thereof in the *Gazette officielle du Québec*.

Devolution The institution is thereupon dissolved and its property devolves, after the payment of its debts and the performance of its obligations, to the Government or to a public institution designated by the Government.

TITLE II

COMMUNITY ORGANIZATIONS

"community
organiza-
tion"

334. In this Act, "community organization" means a legal person incorporated under an Act of Québec for non-profit purposes whose affairs are administered by a board of directors composed in the majority of users of the services offered by the organization or of members of the community served by the organization and engages in activities related to the field of health and social services.

Orientations
and policies

335. Every community organization which receives a subsidy under this Title shall be free to define its orientations, policies and approaches.

Subsidies
from
regional
board

336. A regional board may, according to the eligibility and allotment criteria it determines in accordance with the applicable budgetary rules, subsidize a community organization in one or other of the following cases:

(1) where it offers prevention, assistance and support services to persons in the region, including temporary lodging services included in the regional service organization plan of the regional board;

(2) where it engages, at the regional level, in activities to promote, raise awareness of and defend the rights and interests of the users of its services or the users of health or social services in the region.

Organization
promoting
social de-
velopment

A regional board may also subsidize a community organization committed, at the regional level, to promoting health and social development where so provided for in the regional service organization plans.

Subsidies
from the
Minister

337. The Minister may, in accordance with the applicable budgetary rules, subsidize

(1) community organizations committed to the defence of the rights or promotion of the interests of the users of services of community organizations or the interests of users of health or social services throughout Québec;

(2) community organizations committed to the promotion of social development, improvement of living conditions, prevention, or promotion of health throughout Québec;

(3) community organizations which engage in activities which respond to new needs, take new approaches or which are directed at specific groups of persons not provided for in the regional service organization plan of the regional board;

(4) provincial groups of community organizations.

Public
information
meeting

338. Every community organization or provincial group which receives a subsidy in cases covered by section 336 or 337 must, not later than 30 June each year, hold a public information meeting to which the users of its services and the users of health or social services whom it has served are invited. It must present them with a report of its activities and a financial statement.

Annual
report

It must also, not later than the said date, transmit the report of its activities and its financial statement to the authority from which it received a subsidy in cases covered by section 336 or 337.

PART III

COORDINATION, CONTROL AND REGULATION OF HEALTH SERVICES AND SOCIAL SERVICES

TITLE I

REGIONAL INSTITUTIONS

CHAPTER I

REGIONAL HEALTH AND SOCIAL SERVICES BOARDS

DIVISION I

STATUS AND OBJECTS

Establish-
ment

339. The Government shall establish, for each region it delimits, a regional health and social services board.

Objects

340. The main object of a regional board is to plan, organize, implement and evaluate, in the region, the health and social services programs prepared by the Minister.

Objects

The other objects of a regional board are

(1) ensuring public participation in the management of the public network of health services and social services and ensuring that users' rights are protected;

(2) formulating priorities in matters of health and welfare according to the needs of the population of the region and within the scope of the objectives fixed by the Minister, and submitting such priorities to the regional assembly established under section 418 for approval;

(3) establishing service organization plans in its territory and evaluating the effectiveness of services. Any part of the service organization plans dealing with medical services requires the advice of the regional medical commission which shall be obtained in the manner provided for in subparagraph 1 of the first paragraph of section 369;

(4) allocating the budgets intended for the institutions and granting subsidies to community organizations and accredited private resources;

(5) ensuring the coordination of the special medical activities of physicians who are under agreement pursuant to section 360 and the activities of the institutions, community organizations, intermediate resources and nursing homes accredited for the purposes of subsidies under section 454 and promoting their cooperation with the other agents of community development;

(6) implementing measures for the protection of public health and for the social protection of individuals, families and groups;

(7) ensuring economical and efficient management of the human, material and financial resources at its disposal.

Name **341.** The name of a regional board must include the expression “regional board” and indicate the region for which it is established.

Corporation **342.** A regional board is a corporation within the meaning of the Civil Code; it is vested with the general powers of such a corporation and the special powers conferred upon it by this Act.

DIVISION II

SPECIAL FUNCTIONS

§ 1.—*Functions in respect of the population and the rights of users*

Functions **343.** The regional board shall

(1) see that mechanisms for public participation provided for in this Act, such as the formation of users’ committees are implemented;

(2) see that the regional assembly is formed and functions properly.

Elections
and appoint-
ments

The regional board shall supervise the election and appointment of the members of the board of directors of public institutions where such election or appointment is provided for by this Act.

Obligation
to inform
users

344. The regional board must, in addition to the functions entrusted to it by sections 42 to 53, inform the users in its territory of the health and social services available to them and of their rights, recourses and obligations in that respect.

Complaints

345. The regional board shall ensure that each institution establishes and implements a complaint examination procedure.

§ 2.—*Functions relating to priorities in matters of health and welfare*

Functions

346. The regional board shall see to it that the priorities approved by the regional assembly are respected and that health and welfare objectives are achieved. To that end, it shall

(1) ensure that the information on the health of the population in the region is up to date and accessible;

(2) identify the needs of the population for the preparation of regional service organization plans;

(3) inform the Minister of the needs of the population for the preparation and update of the health and welfare policy and health and social services policies and programs;

(4) assess, at intervals determined by the Minister, the effectiveness of the health and social services, the extent to which the objectives pursued have been achieved and the extent to which users are satisfied with the services;

(5) prepare and implement, in accordance with the directives of the Minister, assessments of the programs of services in which the institutions participate;

(6) carry out any specific mandate entrusted to it by the Minister.

Nominative
information

In exercising the functions enumerated in the first paragraph, the regional board must refrain from reporting any information or document that would allow the user of an institution or a person using the services of a community organization to be identified.

§ 3.—*Functions relating to the organization of services*

Organization
plans

347. A regional board must, in collaboration with the institutions and community organizations in its region and, where applicable, with persons involved in sectors of activity having an impact on health and social services, develop and implement service organization plans which it shall deposit with the regional assembly.

Content

These plans shall identify the services required to respond to the needs of the population in the region, taking into account

(1) the orientations determined by the Minister and the health and social services policies and programs he establishes;

(2) the health and social resources in the region, particularly those of community organizations;

(3) the mission of the centres operated by the institutions of the region;

(4) the financial resources identified for such purposes;

(5) the social, cultural and linguistic characteristics of the population of the region and, where applicable, of the institutions of the region coming under section 348;

(6) the organization of teaching and research taking place in the institutions of the region.

Contribution
specified

The plans must specify the contribution expected from each institution and each community organization in the region in order to achieve the objectives formulated in the policy or program.

Approval

The plans must be submitted to the Minister for approval.

Services to
English-
speaking
population

348. Each regional board, in collaboration with institutions, must develop a program of access to health services and social services in the English language for the English-speaking population of its area in the centres operated by the institutions of its region that it indicates or, as the case may be, develop jointly, with other regional boards, such a program in centres operated by the institutions of another region.

Institu-
tional
resources

Such an access program must take into account the human, financial and material resources of institutions and include any institution in the region designated under section 508.

Approval The program must be approved by the Government and revised at least every three years.

Cultural characteristics **349.** Each regional board must, in concert with the bodies representing the cultural communities and the institutions of its region, facilitate accessibility to health and social services in a manner which is respectful of the characteristics of those cultural communities.

§ 4.—*Functions relating to the allocation of financial resources*

Financial resources **350.** Each regional board shall allocate the financial resources put at its disposal for the implementation of the regional service organization plans developed for its region.

Operating budgets and subsidies Each regional board shall be responsible, to the extent and on the conditions prescribed by the Minister in accordance with the applicable budgetary rules, for allocating operating budgets to the public institutions and private institutions under agreement of its region and for granting subsidies to community organizations in its region in accordance with section 336 and to the accredited private resources referred to in Chapter III of Title II of this Part.

Special mandates The regional board shall also assume the management of funds relating to any special mandate entrusted to it by the Minister under subparagraph 6 of the first paragraph of section 346.

Budgetary control **351.** Each regional board must, in accordance with the rules determined by the Minister, ensure control over the budgets allocated and subsidies granted under section 350.

§ 5.—*Functions relating to the coordination of health services and social services*

Regional coordination **352.** Each regional board shall take the necessary measures to coordinate the work of institutions and community organizations and the special medical activities of physicians who are under agreement pursuant to section 360 so as to promote joint action and cooperation among them for the purpose of ensuring rational utilization and equitable distribution of resources and to take the complementarity of institutions, community organizations and private facilities into account, eliminate duplication of services and allow the setting up of joint services.

Regional cooperation **353.** The regional board shall cooperate with other bodies and agencies of the region, particularly municipalities, regional branches

of government departments and of government agencies, institutions in the education and higher education sector and socio-economic organizations, in activities conducive to improving the health and welfare of the population.

Access to
services

354. In addition to the rules governing access to the services offered by intermediate resources and family-type resources it establishes under sections 303, 304 and 314, the regional board shall also determine, within the framework of its regional service organization plans and in accordance with the orientations identified for that purpose by the Minister, the general rules governing access to the various services offered by the institutions of its region.

Access to
services

The regional board shall, in addition, foster the implementation, by the institutions concerned, of mechanisms of access to services considered necessary by the institutions to ensure a prompt and adequate response to the users' needs.

Coordina-
tion of
access to
long-term
care or re-
habilitation
centres

355. The regional board shall, more particularly, see to the setting up, in accordance with the procedure prescribed by regulation under paragraph 9 of section 505, of mechanisms to ensure the coordination of access to the services offered by residential and long-term care centres, rehabilitation centres of a class specified in the regulation, intermediate resources attached to the institutions and family-type resources of its region.

Cultural
characteris-
tics

The regional board must also ensure that the mechanisms of access to services take the socio-cultural and linguistic characteristics of the users into account.

Approval of
criteria

356. Every institution concerned with a mechanism of access to services established pursuant to section 355 must submit its criteria of access to services to the regional board for approval, in particular with respect to the admission and discharge of users and the policies for their transfer. However, the Minister may require that an institution, by reason of its special vocation, submit its criteria and policies directly to him for approval. The Minister shall in that case obtain the opinion of the board.

Coordina-
tion
of child
placement
services

357. Each regional board shall, to ensure rational utilization of child placement services, see to it that every institution operating a child and youth protection centre and every other institution exercising responsibilities in matters of child placement coordinate their actions and comply with the measures determined for that purpose by regulation made under paragraph 10 of section 505.

Users'
assessment
and referral

358. Each regional board shall ensure that the institutions of the region carry out their functions of reception, assessment and referral of users, and that intermediate resources and family-type resources are developed in harmony with the capacity of the population concerned to accept them.

Emergency
cases

359. For the purpose of distributing emergency cases and ensuring a prompt and adequate response to the needs of the users, the regional board shall, after consultation with the regional medical commission established under section 367,

(1) approve admission criteria for and policies governing the transfer of users to centres operated by public institutions and private institutions under agreement;

(2) ensure that adequate operating standards of emergency services are adopted by the institutions or, if not, fix such standards;

(3) ensure that the institutions adopt and apply standards for the use and allocation of beds which are consistent with an adequate distribution of emergency cases or, if not, fix such standards;

(4) develop and implement a regional information system to monitor, on a daily basis, the situation in the centres operated by these institutions as regards the number and nature of registrations and admissions of users and their transfer and transport by ambulance.

Agreement
under
Health
Insurance
Act

360. Every general practitioner having less than 10 years of practice and whose principal professional activity, as defined in an agreement entered into under the sixth paragraph of section 19 of the Health Insurance Act, is carried on in private facilities, may apply to participate in such an agreement.

Agreement

Every specialist who does not hold the status of active member, within the meaning of the regulation made under paragraph 3 of section 506, in an institution which operates a hospital, may also apply to participate in such an agreement.

List of
medical
activities

361. For the purposes of section 360, the regional board shall establish, on the basis of such proposals as may be made by the regional medical commission established under section 367, a list of specific medical activities based on its service organization plans. The list shall also specify the conditions of exercise of each activity offered, in accordance with the conditions of the agreement referred to in section 360.

Medical
activities

In the case of a general practitioner applying to participate in an agreement referred to in section 360, the list of specific medical activities includes the following activities:

(1) dispensing professional services in any centre, other than a local community service centre, operated by an institution;

(2) being on duty in the first-line emergency services of certain institutions operating a local community service centre or designated as health care centres;

(3) participating in a prevention program or in a home-care program;

(4) according to the conditions established by agreement, participating in any other health care program or any other professional service determined by the regional board in order to meet the needs to which it assigns priority;

(5) collaborating with the other resources in the territory in order to ensure the availability of medical services at all times;

(6) dispensing professional services within the framework of an emergency prehospitalization system set up in the territory of the regional board, according to the conditions laid down by agreement.

Interpreta-
tion

A general practitioner who accepts to dispense medical services in any local community service centre operated by an institution is deemed to participate in an agreement referred to in section 360.

Applications

362. A physician shall submit his application to the regional board which shall transmit to him a list of specific medical activities from which he must choose.

Written
undertaking

363. The regional board shall authorize physicians to participate in the agreement referred to in section 360 if they undertake in writing to exercise one of the specific medical activities described in section 361.

Staffing
plan

The regional board, before authorizing a physician to participate in the agreement referred to in section 360, must take into account the number of physicians authorized in its medical staffing plan.

Duration

364. For as long as a physician respects the undertaking made by him in accordance with section 363, and until he is discharged in accordance with the terms of an agreement referred to in section 360, he shall remain subject to that agreement.

Termination
of partici-
pation

365. Where in the opinion of the regional board a physician ceases to respect the undertaking made by him in accordance with section 363, the board shall terminate his participation in the agreement and inform the physician, the regional medical commission and the Régie de l'assurance-maladie du Québec. The regional board must give the physician an opportunity to be heard.

Arbitration

366. A physician who is not satisfied with a decision refusing or terminating his participation may submit that decision to the arbitration procedure provided for in the agreement referred to in section 360.

Regional
medical
commission

367. A regional medical commission is hereby instituted for each region of Québec where the Government institutes a regional board.

Composition

The commission is composed of:

(1) three general practitioners elected by the general practitioners of the region from among their number;

(2) three specialists elected by the specialists of the region from among their number;

(3) one person appointed by the Dean of each Faculty of Medicine of the region, if any;

(4) the Director of Public Health.

Member

The executive director of the regional board or the physician he designates for that purpose shall also be a member of the commission.

General
practition-
ers and
specialists

To ensure better representation of the fields of medical practice in the centres operated by the institutions of the region, the regional board shall appoint not more than four physicians from the region who are members of the commission from the time of their appointment. However, the regional board, in making such appointments, must ensure that general practitioners and specialists are represented in equal numbers on the commission.

Observers

On the recommendation of the regional medical commission, the regional board may appoint four resource persons as observers. In regions where there is a Faculty of Medicine, the number of resource persons shall be six of whom one must be a medical resident. Such persons shall participate in the discussions of the commission but shall be without voting rights.

Chairman The chairman of the regional medical commission shall be elected by the members elected under subparagraphs 1 and 2 of the second paragraph from among their number.

By-laws **368.** The procedure of appointment or election of the members of the regional medical commission and of its chairman, their terms of office and the rules of internal management of the commission shall be determined by by-law of the regional board.

Responsibilities **369.** The regional medical commission is responsible to the board of directors of the regional board

(1) for advising it on the organization and distribution of medical services in the territory and on the medical staffing plan referred to in section 377, on the basis of the regional service organization plans referred to in section 347;

(2) for advising it on the remuneration methods and the organization of the practice of physicians which are best suited to respond to the needs of the region;

(3) for proposing to the regional board, for acceptance, a list of specific medical activities which may be sent to a physician applying to participate in the agreement referred to in section 360, in relation to the regional service organization plans and the requirements to which the board assigns priority;

(4) for carrying out any other mandate entrusted to it by the board of directors and submitting periodic reports thereon.

Practice profiles For the purposes of this section, the regional medical commission and the regional board may require the Régie de l'assurance-maladie du Québec to send them, in a non-nominative form, the individual or group practice profiles of the physicians who practise in the region.

Committees **370.** The regional medical commission may establish the committees necessary for the pursuit of its objects.

§ 6.—*Functions relating to public health*

Public health program **371.** Each regional board shall

(1) manage the public health program in the same manner as the other programs determined by the Minister and, for such purpose, establish priorities, organize services and allocate resources;

(2) establish a public health department.

Public
health
director

372. The Minister, on the recommendation of the regional board, shall appoint a public health director.

Require-
ments

The public health director must be a physician trained in community health care.

Responsi-
bilities

373. The public health director shall be responsible for

(1) informing the population on its general state of health and of the major health problems, the groups most at risk, the principal risk factors, the interventions he considers the most effective, monitoring the evolution thereof and conducting studies or research required for that purpose;

(2) identifying situations which could pose a threat to the population's health and seeing to it that the measures necessary for its protection are taken;

(3) ensuring the development of expertise in prevention and in the promotion of health to benefit all the programs entrusted to the regional board.

Other
mandates

374. The director shall carry out any other mandate entrusted to him by the regional board within the scope of his responsibilities.

Public
health
emergencies

375. The director must, without delay, inform the Minister of any emergency or of any situation posing a threat to public health.

§ 7.—*Functions relating to human, material and financial resources management*

Human
resources
development
plan

376. Each regional board shall draw up a regional human resources development plan in keeping with the orientations determined by the Minister and the policies he establishes and in cooperation with the institutions and organizations concerned, and see to its implementation. To that end, the regional board shall

(1) coordinate personnel development activities within the scope of the regional service organization plans;

(2) coordinate personnel development activities for the members of the boards of directors of institutions;

(3) assist community organizations with regard to human resource development activities for their members.

Personnel
development

In addition, the regional board shall assist the institutions in preparing their plans of action for personnel development, if they so

request, and identify priority needs so as to foster the pooling, by institutions, of services related to personnel development and mobility.

Regional
medical
staffing
plan

377. Each regional board shall, in accordance with the regulations made under paragraph 20 of section 505, prepare a regional medical staffing plan on the basis of the organization plan of each institution which were transmitted to it in accordance with sections 184 and 186 and the number of physicians required to perform the specific activities referred to in section 361.

Parameters

In preparing its regional plan, the board shall take into account the expansion or reduction objectives identified by the Minister, the number of physicians practising in the region who are remunerated by the Régie de l'assurance-maladie du Québec, the medical activities of these physicians and the number of positions determined by the Minister to be reserved for physicians having practised in other regions.

Approval

The regional plan must be submitted to the Minister for approval and be accompanied with the institutions' organization plans which were used in preparing it.

Review

The regional plan must be reviewed at least every three years and shall continue in force until the Minister decides on its review.

Approval

378. Once its regional medical staffing plan is approved, the regional board shall approve each organization plan submitted to it by an institution.

Consultation

However, before approving the organization plan of the institutions which operate a centre designated as a university hospital or university institute, the regional board shall consult the university with which each institution is affiliated. Such consultation shall bear on all the organization plans of the institutions.

Transmis-
sion
to the
Minister

The regional board shall, on request, transmit to the Minister each organization plan it has approved.

Exception

379. A regional board may, in exceptional circumstances and with the Minister's authorization, depart from its regional medical staffing plan to enable a physician to be appointed by an institution, upon obtaining his licence to practise, subject to the terms it determines, if, on (*insert here the date of coming into force of this section*), that physician was a student enrolled in a medical training program.

Provisions applicable Sections 237 to 252, adapted as required, apply to such a student.

Methods of remuneration **380.** Where the Minister so requests, the regional board shall advise him on the methods of remuneration and on the organization of the practice of physicians practising in the region which best correspond to the needs of the region.

Information **381.** In performing its functions or at the request of the Minister, the regional board may require that the institutions and community organizations of its region furnish to it, in the form and within the time limit it prescribes or which are determined by the Minister, the information prescribed by regulation under paragraph 25 of section 505 concerning clientele, services requested and provided and resources used. No information may be transmitted that would permit a user of an institution or a person using the services of a community organization to be identified.

Use of material resources It shall furnish the Minister with any information he requires on the allocation and use of the financial and material resources of the institutions and community organizations of its region.

Requests for material resources **382.** The regional board shall examine the institutions' requests relating to material resources which must be submitted to it for advice or authorization in accordance with this Act or the regulations. It must reply to them with diligence.

Joint purchasing **383.** The regional board shall ensure that the institutions of its region are grouped for the joint procurement of goods and services it determines. It may, if necessary, require institutions to participate in regional joint purchasing groups.

Non-profit corporation The institutions of a region may, with the authorization of the regional board and on the conditions determined by the Minister, establish a non-profit corporation representing the institutions of the region to manage the procurement of goods and services. They must, however, establish such a corporation where the regional board considers it necessary. If they fail to do so, the regional board may, with the authorization of the Minister, see to the establishment of a joint service corporation for the institutions of the region.

More than one region With the authorization of the Minister, the types and manner of grouping institutions for the joint procurement of goods and services may be determined for two or more regions.

Provisions applicable The provisions of sections 260 to 265, 278 to 280, 295 to 297, 436, 485, 486, 489, 499 and 500 apply, adapted as required, to a corporation referred to in this section.

Public
meeting

384. Once a year, the regional board must hold a public meeting at which every public institution, private institution under agreement or accredited private resource called by the board must answer questions put to it in respect of its management.

Provisions
applicable

Section 178 applies, adapted as required, to a meeting held by the regional board under the first paragraph.

Unautho-
rized
practices

385. Upon ascertaining that an institution or one or several members of a board of directors is or are in one of the situations described in subparagraphs 3, 4 and 5 of the first paragraph of section 490, the regional board shall inform the Minister thereof.

DIVISION III

OPERATING BUDGET AND REPORTS

Fiscal year

386. The fiscal year of the regional board ends on 31 March.

Operating
budget

387. The executive director of the regional board shall submit to the board of directors, before the date determined by the latter, the operating budget of the regional board for the following fiscal year, prepared according to the budgetary parameters transmitted by the Minister.

Balanced
budget

The estimates of the expenditures and revenues must be balanced.

Allocation

388. The Minister shall inform every regional board, before 1 April each year, of the total amount he shall allocate to its operating budget for the following fiscal year.

Adoption

Within the following 30 days, the board of directors shall see to it that the operating budget of the regional board is revised, if necessary, adopt the operating budget of the regional board and inform the Minister thereof.

Balancing
plan

Where a budget balancing plan is required to enable the regional board to adhere to its operating budget, the board of directors shall see to it that such a plan is prepared, adopted and transmitted to the Minister, within 60 days, along with the operating budget of the regional board.

Capital
budget

In addition, the Minister may, if he considers it expedient, allocate a capital budget to a regional board on the conditions he determines.

Renewal of
budget

389. If, on 1 April in a year, a regional board has not been informed by the Minister of the total amount allocated to its operating budget, one-quarter of the budget of the preceding fiscal year shall be renewed at the beginning of each quarter of the fiscal year and shall remain in force until it is replaced by the amount allocated to the budget of the fiscal year concerned.

Additional
expenses

390. A regional board shall assume, out of its operating budget, the expenses attributable to the functions exercised by the regional assembly. The provisions of sections 115 and 269, adapted as required, apply to complementary activities organized by the regional board and to the rules governing the use of its own property.

Report

391. Not later than 30 June each year, each regional board must file with the Minister a report of its activities for the year ending on the preceding 31 March. The report must include any information the Minister may prescribe. The report must have been approved by the regional assembly.

Tabling

392. The Minister shall table the report of every regional board before the National Assembly within 30 days of its receipt or, if the Assembly is not in session, within 30 days after resumption.

Parliamentary
Committee

The National Assembly shall refer the report to the Parliamentary Committee on Social Affairs, which shall examine it and, for that purpose, hear each regional board at least once every three years.

Report

393. Each regional board must also, not later than 30 September each year, file with the Minister an annual report of the activities of all the institutions of its region and community organizations it subsidizes in accordance with section 336, for the year ended on the preceding 31 March. The report shall be made in the manner determined by the Minister and contain any information required by him.

Non-
nominative
information

394. Each regional board must provide the Minister, at his request and in the manner and within the time he determines, with any statement, statistics, report or other information that he requires with regard to the activities of the regional board or that he considers relevant to the carrying out of this Act. No information may be provided that would permit the user of an institution or a person using the services of a community organization to be identified.

Provisions
applicable

395. The regional board is subject to sections 280 and 288 to 295, adapted as required, with respect to reports and audits that must be made.

Loans

396. Notwithstanding any inconsistent legislative provision, a regional board may, with the authorization of the Minister and on the conditions he determines, take out any form of loans recognized by law.

Financial
position

At the request of the Minister, a regional board shall, either directly or through the financial institutions with which it does business, provide the Minister with any information on its financial position.

DIVISION IV

BOARD OF DIRECTORS

§ 1.—*Composition, tenure and qualifications of members*

Composition

397. The board of directors of a regional board shall consist of the following members:

(1) twenty members elected by the regional assembly from among its members, and chosen respectively from each of the four groups of members referred to in the first paragraph of section 421 and according to the same distribution;

(2) one or three members, as the case may be, appointed by the members referred to in paragraph 1 in accordance with section 398;

(3) the chairman of the regional medical commission;

(4) the executive director of the regional board.

Cooptation

398. Within 30 days from the completion of the election of the members referred to in paragraph 1 of section 397, those members shall elect one person to the board of directors by cooptation. In the case of the regional board established for the Montréal Métropolitain and Montérégie regions, the members of the board of directors shall elect three persons by cooptation.

Representa-
tive
member-
ship

The members shall, by means of the election by cooptation, allow for membership on the board of directors of persons whose competence and skills are considered useful to the administration of the regional board, and ensure just representation of the parts of the territory of the regional board, the sectors of activity or the sociocultural, linguistic or demographic groups of the region.

Approval Appointments made under this section are not valid unless they are submitted to the Minister for approval.

Term **399.** With the exception of the executive director, the term of office of members of a board of directors is three years. However, they remain in office until they are reelected, reappointed or replaced by the regional assembly.

Renewal The term of office of a member of the board of directors cannot be renewed more than once.

Provisions applicable **400.** Sections 152, 153, 154, 155 and 165 apply, adapted as required, to the members of the board of directors of a regional board.

Vacancies **401.** Any vacancy in a seat held by an elected member of a board of directors shall be filled, for the unexpired portion of the term of office of the member to be replaced, by one of the substitutes designated for that purpose by the regional assembly in accordance with paragraph 2 of section 419.

Vacancies Any vacancy in a seat held by a member of a board of directors elected by cooptation must be filled within a reasonable time in accordance with the mode of appointment prescribed in section 398, but only for the unexpired portion of the term of office of that member.

Absence Absence from the number of meetings of the board of directors determined by the internal rules of management constitutes a vacancy in the cases and circumstances indicated by the board.

§ 2.—*Chairman, vice-chairman and secretary*

Chairman **402.** The members of the board of directors shall, each year, elect a chairman, a vice-chairman and a secretary from among their number.

Exclusion **403.** The executive director of the regional board may not be elected chairman or vice-chairman of the board of directors.

Provisions applicable **404.** Section 158, adapted as required, applies to the chairman of the board of directors.

§ 3.—*Functions of the board of directors*

Board of directors **405.** The board of directors of a regional board shall administer the affairs of the regional board and exercise all of its powers.

Responsibilities The board of directors shall be responsible, in particular, for

(1) identifying priorities in relation to the needs of the population to be served and the services to be offered, taking into account the state of the health and welfare of the population of its region, the sociocultural and linguistic characteristics of that population and the sub-regional and socioeconomic characteristics of the region, and establishing orientations in respect thereof;

(2) apportioning equitably the human, material and financial resources at its disposal, taking into account the same characteristics as those mentioned in paragraph 1;

(3) appointing the executive director and confirming the designation, made by the executive director, of the senior management officer responsible for implementing the users' complaint examination procedure provided for in section 43;

(4) making an annual report of its activities to the regional assembly and to the Minister.

Standards
of
prudence
and
loyalty

406. The members of the board of directors must act within the limits of the powers conferred on them, with the care, prudence, diligence and competence of any reasonable person in similar circumstances, with honesty and loyalty, and in the interest of the regional board and the population of the region for which the regional board is established.

Provisions
applicable

407. Section 175, adapted as required, applies to a regional board.

§ 4.—*Operation*

Meetings

408. The procedure for calling meetings of the board of directors shall be determined by by-law of the board.

Number

The board of directors shall meet at least six times a year.

Request

However, it must meet at the request of the chairman or at the written request of one-third of its members in office.

Provisions
applicable

409. Sections 161 and 162, adapted as required, apply to meetings of the board of directors.

Decisions

410. Subject to section 201, which, adapted as required, applies to the regional board, decisions of the board of directors are made by the majority vote of the members present.

Casting vote	In the case of a tie-vote, the chairman or, in his absence, the vice-chairman has a casting vote.
Resolution	411. In case of emergency, a resolution in writing signed by every member of the board of directors shall have the same effect as a resolution adopted at a sitting.
Minutes	Such a resolution shall be tabled at the next sitting and kept with the minutes of the sittings of the board of directors.
Powers of the board of directors	412. The board of directors may, by by-law, <ol style="list-style-type: none"> (1) set up the committees necessary for the pursuit of its objects; (2) determine the composition, functions, duties and powers of the committees and their operating procedures, internal management rules and financing; (3) determine the mode of appointment, qualifications, functions, duties and powers and the term of office of committee members and the dismissal procedure.
Provisions applicable	413. Sections 166, 168 and 169, adapted as required, apply to the documents and records of a regional board.

DIVISION V

EXECUTIVE DIRECTOR AND OTHER MEMBERS OF THE MANAGERIAL STAFF

Appointment	414. The members of the board of directors of a regional board shall appoint the executive director of the regional board.
Qualification	No person may be appointed as executive director of a regional board unless the Centre de référence des directeurs généraux et des cadres instituted by section 521 attests that he qualifies for such an appointment.
Reappointment	The appointment of an executive director may not be renewed unless the body referred to in the second paragraph attests that he qualifies for reappointment or that he meets the requirements for holding the position as established at the time the classification of the position is determined.
Exception	However, in exceptional cases, the Minister may, at the request of a regional board, authorize that regional board to renew the appointment of an executive director who does not meet the conditions set out in the third paragraph.

New classification

If the classification of an executive director's position is raised, the latter may not continue to hold the position at the expiry of his contract unless the Centre de référence attests that he is qualified to do so with regard to the new classification.

Responsibilities

415. The executive director is responsible, under the authority of the board of directors, for the management and operation of the regional board within the scope of its by-laws.

Responsibilities

He shall see that the decisions of the board of directors are implemented and ensure that any information it requires or needs to assume its responsibilities is transmitted to it.

Provisions applicable

416. Sections 197 to 200, adapted as required, apply to the executive director.

Senior and middle management

417. Sections 234 and 235, adapted as required, apply to the senior and middle management officers of a regional board and to persons holding positions therein.

CHAPTER II

REGIONAL ASSEMBLIES

Establishment

418. A regional assembly shall be established for each region in Québec where the Government establishes a regional board.

Functions

419. The functions of a regional assembly are

(1) to elect, every three years, the members of the board of directors of the regional board referred to in paragraph 1 of section 397;

(2) to designate, for each group of elected members, substitutes selected from among the members of the regional assembly who have the same qualifications for membership as the members to be replaced;

(3) to approve the list of regional priorities in matters of health and social services which are submitted to it by the regional board;

(4) to approve the annual report of activities of the regional board.

Number of members

420. The Minister shall fix the number of members of each regional assembly. The number may vary according to the regions, but may not exceed 150.

Composition

421. A regional assembly shall be composed as follows:

(1) 40 % of the members shall be persons elected by the public and private institutions of the region and from among the members of the boards of directors of the public institutions and the persons designated for such purpose by the private institutions;

(2) 20 % of the members shall be persons elected by the community organizations of the region that are designated by the regional board and from among the members of the boards of directors of those organizations who represent the users of the services they offer or the members of their communities;

(3) 20 % of the members shall be persons elected by the organizations of the region which the regional board designates as being the most representative of socioeconomic groups and persons elected by other groups concerned with health or social services matters;

(4) 20 % of the members shall be persons elected by the municipalities of the region from among the elected municipal officials in a manner ensuring that all the regional county municipalities in the region or, as the case may be, all the municipalities forming part of an urban community are represented.

Election

Within 30 days of being formed, the assembly must proceed with the election of the members of the board of directors of the regional board.

Equitable
representation

422. The Minister may determine the composition of each group referred to in subparagraphs 1 to 4 of the first paragraph of section 421 in order to ensure that the institutions, community organizations, socioeconomic groups and regional county municipalities or municipalities forming an urban community are equitably represented.

Joint or
separate
elections

The Minister may, for any region he indicates, provide that the groups referred to in each of subparagraphs 1 and 2 of the first paragraph of section 421 will hold the election either jointly or separately, depending on the missions of the centres operated by the institutions or the types of services provided by the organizations.

Designation

423. The members of a regional assembly shall be designated according to such procedure as is prescribed by regulation by the Minister.

Exclusions **424.** The following persons cannot be members of a regional assembly:

- (1) persons not residing in Québec;
- (2) minors;
- (3) persons under tutorship or curatorship;
- (4) persons convicted of a crime punishable by three or more years of imprisonment, within the preceding five years;
- (5) persons forfeited of office as members of the board of directors of an institution or regional board within the preceding three years, pursuant to paragraph 2 of section 498;
- (6) persons convicted of an offence under this Act or the regulations within the preceding three years.

Term **425.** The term of office of a member of a regional assembly is three years.

Cessation **426.** A person ceases to be a member of a regional assembly upon ceasing to be qualified for election.

Continuance **427.** Members of a regional assembly remain in office, notwithstanding the expiry of their term, until they are reelected or replaced.

Internal management **428.** Each regional assembly shall establish its rules of internal management.

Chairman and vice-chairman **429.** The members of a regional assembly shall elect a chairman and a vice-chairman from among their number.

Casting vote In case of a tie-vote at a meeting of the members of the regional assembly, the chairman shall have a casting vote.

Reimbursement of expenses **430.** The members of a regional assembly shall not, as such, receive any remuneration; however, they are entitled to reimbursement of expenses incurred in the exercise of their functions on the conditions and to the extent determined by the Government.

TITLE II

THE MINISTER

CHAPTER I

MINISTERIAL FUNCTIONS

Functions **431.** In accordance with the policy on health and welfare, the Minister shall determine priorities, objectives and orientations in the field of health and social services and see to their implementation.

Functions He shall, in particular,

(1) establish health and social services policies and programs, see that the policies and programs are implemented and applied by the regional boards, and that they are assessed;

(2) approve the priorities and regional service organization plans submitted to him by each regional board;

(3) allocate human, material and financial resources equitably among the regions for the implementation of the programs, and monitor their utilization;

(4) coordinate teaching and research;

(5) develop management frameworks for human, material and financial resources;

(6) establish policies and programs for the adjustment of the work force of the health and social services network and see to their implementation;

(7) ensure inter-regional coordination of health services and social services, especially in order to make such services more accessible to all segments of the population of the regions of Québec;

(8) coordinate the public health program and, in particular, take the measures that are best suited to ensure the protection of public health.

Agreements **432.** The Minister may, with the approval of the Government, enter into an agreement with a body representing pharmacists working for institutions, concerning the terms of employment of such pharmacists.

Effect Institutions shall be bound by any agreement.

Consultation The Minister must consult each association grouping a majority of institutions carrying on activities specific to the mission of centres of the same nature.

Pharmacists The remuneration and other terms of employment agreed upon in the agreement binding the pharmacists in accordance with the second paragraph shall be administered by the institutions.

Transmission of information **433.** In performing his duties under section 431 concerning the programming of health services and social services, the Minister may require an institution to furnish to him, at the time and in the form he determines, the information, whether nominative or not, prescribed by regulation under paragraph 26 of section 505 concerning needs for and utilization of services.

Experimental projects **434.** The Minister, in performing his duties under this Act, may, notwithstanding any inconsistent provision, to the extent and on the conditions fixed by the Government, implement any experimental project concerning the organization of the human or material resources of institutions for the purpose of fostering integrated organization and the provision of health services and social services.

Agreements He may, for the purposes set out in the first paragraph, enter into agreements with institutions or professionals, except for health professionals within the meaning of the Health Insurance Act as regards matters referred to in section 19 of the said Act.

Notice of intention The Minister, for the purposes of this section, shall publish a notice in the *Gazette officielle du Québec* of his intention to propose to the Government, 45 days after publication of the notice, the implementation of such an experimental project, and he shall permit any interested person to submit his observations to him during that period.

Power of the Minister **435.** The Minister may, to foster efficient management of the residential and long-term care centres operated in a territory defined in section 119, require an institution operating both a residential and long-term care centre and a hospital of 50 beds or more offering general and specialized care to transfer the management of all or part of its residential and long-term care centre to an institution referred to in section 119 which is designated for that purpose by the Minister.

Advice from regional board The Minister, for the purposes of this section, shall in such cases be advised by the regional board and shall take into account the nature, the number or the special characteristics of the centres operated by the institutions concerned and the capacity and location

of their facilities in the territory under consideration. The Minister must also give the institutions concerned an opportunity to submit their views.

Transfer of management The institutions concerned must take the necessary steps to implement the Minister's decision within the following six months. If the institution which must transfer the management of a residential and long-term care centre is a corporation designated by the Minister under section 139, the Minister may allow the institution to retain ownership of the facilities used for the operation of the residential and long-term care centre and to grant, without claiming rent, a right of occupation of those facilities to the institution designated to ensure the continuity of operations.

Transfer of management The provisions of this section, adapted as required, apply to any other institution operating different centres of which the management, whether of all or part of any one centre, may in the same manner be transferred to another institution better able to further the efficient management of that centre and centres of the same nature in the territory concerned.

Restriction The provisions of this section do not apply unless the centre to be transferred by an institution is operated in facilities used exclusively for that centre.

Joint purchasing policies **436.** The Minister shall establish policies concerning the joint procurement of goods and services by the institutions, taking into account their impact on the regional economy. He shall see to their implementation and application by the regional boards and to their assessment.

Acquisition of goods and services The Minister may take any step to improve the effectiveness and efficiency of the institutions and limit expenditures relating to the acquisition of the goods and services he determines. He may in particular institute a provincial scheme for the acquisition of highly specialized equipment he determines.

CHAPTER II

PERMITS

DIVISION I

ISSUE AND RENEWAL

Permits **437.** No person may engage in activities inherent in the mission of a local community service centre, hospital, child and youth

protection centre, residential and long-term care centre or rehabilitation centre unless he is the holder of a permit issued by the Minister.

Permits No person may, in any way, purport to be authorized to engage in activities inherent in the mission of a centre mentioned in the first paragraph unless he is the holder of a permit issued by the Minister.

Corporate name **438.** No person may operate a facility or engage in an activity under a name or corporate name containing the words “local community service centre”, “hospital centre”, “hospital”, “child and youth protection centre”, “social service centre”, “residential and long-term care centre”, “rehabilitation centre” or “reception centre” unless he is the holder of a permit issued by the Minister.

Exceptions Nothing in the first paragraph shall prevent a foundation associated with an institution from using the name of the institution in its corporate name or the use of the words “veterinary hospital” in a name or corporate name.

Name of facilities **439.** The facilities of an institution may be identified by a name other than that of the institution.

Name of facilities However, no institution may operate a facility under a name other than that indicated on its operating permit for that facility, where such is the case.

Content of permit **440.** The permit shall indicate the mission of each centre operated by the institution and, where applicable, the class to which a rehabilitation centre or a hospital belongs, the type to which a rehabilitation centre for physically impaired persons belongs, a list of the facilities at the disposal of the institution and, where pertinent, their capacity.

Application **441.** Every person applying for a permit must send his application to the regional board in accordance with the regulations. The person must possess the qualifications, fulfil the conditions and provide the information and documents prescribed by regulation.

Issuance After approving the application, the regional board shall transmit it to the Minister, who shall issue a permit if he is of the opinion that it is in the public interest.

Validity **442.** A permit is granted for a period of two years ending on 31 March.

First permit In the case of a first permit, the Minister may grant it for a period of less than two years ending on 31 March of the year in which all permits are renewed.

Renewal **443.** A permit shall be renewed for two years if its holder possesses the qualifications, fulfils the conditions and provides the information and documents prescribed by regulation.

Changes When renewing a permit, the Minister may however, after consultation with the regional board, change the capacity indicated on the permit, if he is of the opinion that it is in the public interest. Before changing the capacity indicated on the permit, the Minister must give the permit holder an opportunity to be heard.

Decision final The decision of the Minister to modify the capacity indicated on the permit is final.

Modified permit Every holder whose permit has been modified must take the necessary steps to comply with the changes made to the permit within six months of receiving his new permit.

DIVISION II

OBLIGATIONS OF PERMIT HOLDERS

Scope **444.** The activities of a permit holder must be carried on within the scope of his permit.

Transfer prohibited **445.** No permit holder may assign or transfer his permit without the written authorization of the Minister.

DIVISION III

SUSPENSION, CANCELLATION AND REFUSAL OF RENEWAL

Suspension or cancellation **446.** The Minister may suspend, cancel or refuse to renew the permit of any holder who

(1) has been convicted of an offence under this Act or the regulations or an indictable offence in connection with the performance of activities for which he holds a permit;

(2) is unable, in the opinion of the regional board concerned, to ensure adequate health services or social services;

(3) is or is about to become insolvent;

(4) no longer fulfils the conditions required by regulation to obtain the permit.

Remedial
measures

447. Where a permit holder contravenes paragraph 2 of section 446, the Minister, instead of suspending, cancelling or refusing to renew the permit, may order the holder to take the necessary remedial measures within the time he fixes.

Suspension
or cancel-
lation

If the permit holder fails to comply with the Minister's order within the time fixed, the Minister may then suspend, cancel or refuse to renew his permit.

Voluntary
undertaking

448. Where the Minister has reasonable grounds to believe that a permit holder is contravening this Act or the regulations, he may accept a voluntary undertaking from the holder to comply with the Act and the regulations, and shall notify the regional board thereof.

Suspension
or cancel-
lation

If the holder fails to comply with his undertaking, the Minister may then suspend, cancel or refuse to renew his permit.

Notice and
hearing

449. Before suspending, cancelling or refusing to renew a permit, the Minister shall give the holder notice thereof and an opportunity to be heard. The permit holder must give indication in writing of his intention to be heard within fifteen days of receiving the notice. That time limit is preemptory and entails forfeiture.

Written
notice

Where the Minister suspends, cancels or refuses to renew a permit, he shall notify the holder in writing, giving the reasons on which his decision is based.

Appeal

450. A permit holder whose permit is suspended or cancelled or whose application for renewal is rejected may appeal from the Minister's decision to the Commission des affaires sociales

(1) if the reasons of fact or law invoked in support of the decision are clearly erroneous;

(2) if the procedure followed is affected by gross irregularity;

(3) if the decision has not been rendered impartially.

Transmis-
sion of
record

451. Within one month from service of the declaration of appeal, the Minister shall transmit the relevant part of the record concerning the decision appealed from to the clerk of the Commission des affaires sociales.

DIVISION IV

OPERATION WITHOUT A PERMIT

Power of the Minister **452.** Where, in a facility, activities for which a permit is required under section 437 are carried on without a permit, the Minister may, after consulting the regional board concerned, proceed with the evacuation and relocation of any persons lodged in that facility, if that is the case.

Decision Before so doing, the Minister shall serve his decision giving the reasons therefor on the person maintaining the facility.

Transfers prohibited From receipt of the Minister's decision, the person shall not, except in medical emergencies or with the written authorization of the Minister, allow the transfer of the persons lodged in the facility whose names appear in a list appended to the Minister's decision giving reasons.

Appeal **453.** A person maintaining a facility to which section 452 applies may, on grounds listed in section 450, appeal from the Minister's decision to the Commission des affaires sociales, within 10 days after receiving it.

Time limit That time limit is peremptory and entails forfeiture.

Evacuation and relocation Notwithstanding section 22 of the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34), the Minister cannot proceed with the evacuation and relocation of persons lodged in a facility to which section 452 applies before the expiry of the time limit or, where an appeal has been brought, before the Commission renders its decision.

CHAPTER III

ACCREDITATION OF CERTAIN PRIVATE RESOURCES FOR FUNDING PURPOSES

Financial allowance **454.** With a view to allowing people with decreasing autonomy to receive various health services or social services, the regional board may grant a financial allowance to a private nursing home or to a private institution not under agreement which operates a residential and long-term care centre; the allowance may vary according to the type of services offered.

Accreditation **455.** Only a person to whom accreditation has been granted under this chapter may receive a financial allowance under section 454.

- Eligibility** **456.** Any person who satisfies the requirements determined by the Minister and who applies for accreditation on the form provided by him is eligible therefor.
- Advice** **457.** Before granting accreditation, the Minister shall obtain the advice of the regional board.
- Conditions** He may subject the granting of accreditation to the conditions he determines.
- Duration** **458.** Accreditation granted by the Minister remains in force as long as the person to whom it was granted complies with this Act, satisfies the requirements and fulfils the conditions determined by the Minister.
- Duration** The Minister may, however, grant accreditation for a determined period, or temporary accreditation, whenever he considers it necessary.
- Changes notified to the Minister** **459.** Every person to whom accreditation has been granted must, prior to the fact, inform the regional board and the Minister in writing of any change of address of the residence or centre, of any alienation of assets or shares or of any transaction which entails ineligibility.
- Suspension or revocation** **460.** The Minister may cancel accreditation at the request of the person to whom it was granted or suspend or revoke it where the person no longer fulfils the conditions prescribed by this Act or the requirements or conditions determined by the Minister.
- Hearing** Before deciding to suspend or revoke an accreditation, the Minister must give the person concerned an opportunity to be heard and seek the advice of the regional board.
- Written notice** **461.** The Minister must give notice of his decision in writing, giving the reasons therefor, to the person whose accreditation is suspended or revoked.
- Use of terms** **462.** No person may use the terms “accredited residence” or “accredited institution”, or associate the notion of accreditation with a residence or institution, unless he has been granted accreditation under this Act.

CHAPTER IV

FUNDING OF SERVICES

Funding **463.** The Minister shall see to it that the resources necessary for funding the health and social services system are allocated equitably among the regions, according to the population they serve and their social and health characteristics.

Allocation He shall establish resource allocation mechanisms in order to allow the regional boards to implement the programs for which they are responsible and to manage the related resource envelope.

Approval He shall approve the regional service organization plans and the financial resource allocation plan submitted to him by each regional board.

Budgetary rules **464.** Each year, after consultation with the regional boards, the Minister shall establish budgetary rules to determine the amount of operating and capital expenditures that is eligible for subsidies to be granted to regional boards in the form of a comprehensive envelope for each program.

Regional disparity In the budgetary rules, the Minister must provide for the payment of subsidies intended to eliminate inter-regional disparity.

Debt service The budgetary rules shall also provide for the amount of debt service expenditures which is eligible for subsidies to be granted to public institutions and the amount of subsidies to be granted to other persons and organizations eligible therefor who or which fulfil a special obligation pursuant to this Act or under an agreement entered into in accordance with this Act.

Approval The budgetary rules established by the Minister must be submitted to the Conseil du trésor for approval.

Budgetary rules for regional boards **465.** Each year, the Minister shall establish special budgetary rules for the regional boards with respect to their management, the allocation of budgets to institutions and the granting of subsidies to the community organizations and accredited private resources to which this Act applies.

Subsidies **466.** The budgetary rules referred to in sections 464 and 465 may provide that the granting of a subsidy may be made

(1) on the basis of general standards applicable to all those eligible or on the basis of special standards applicable to only some of them;

(2) subject to general conditions applicable to all those eligible or to special conditions applicable to only one or some of them;

(3) subject to authorization by the Minister;

(4) to only one or some of those eligible.

Budgetary
rules

467. The budgetary rules may also deal with

(1) the use of the revenue that may be collected and the financial contributions that must be demanded pursuant to this Act, and the effect thereof on the calculation or payment of subsidies;

(2) the frequency of instalments and other terms and conditions of payment of a subsidy.

CHAPTER V

FUNDING OF OTHER SERVICES

Loans

468. The Minister may, on the conditions he determines, grant a subsidy on behalf of the Government to any regional board or public institution to provide, out of the funds voted annually for such purpose by Parliament, for the total or partial payment in principal and interest of any loan contracted or to be contracted by the regional board or public institution.

Loans

The regional board or public institution must allocate the proceeds of the loan referred to in the first paragraph to the payment of capital expenditures and related debt service, the repayment of loans made for the purposes of such expenditures or the payment of costs and expenses related to the said loan.

Funds
deposited
with the
Minister of
Finance

The Minister may deposit with the Minister of Finance, to be managed by him, all amounts intended as funds for the principal of the debentures issued by the regional board, the public institution or the Corporation d'hébergement du Québec to constitute a sinking fund for the repayment out of these sums, on the dates specified in the loan, of the principal of such debentures and, out of the proceeds or revenues of the fund, the loans of any regional board or public institution or of the Corporation.

Application

The third paragraph applies only to loans contracted before 1 April 1991.

Sinking
fund

469. The Minister may deposit with the Minister of Finance, to be managed by him, sums intended for the repayment of the

principal of a loan in respect of which a subsidy has been granted under section 468 or 471, in order to constitute a sinking fund for the purpose of repaying out of such sums the principal of the loan, on the maturity dates under the terms of the loan.

Revenue The revenue of the sinking fund shall be used for the repayment of any duly authorized loan of any regional board or any public institution or the loans of the Corporation d'hébergement du Québec, or shall be allocated to the repayment of any loan for which a sinking fund is constituted, in replacement of the sums that would otherwise be deposited under the first paragraph.

Application This section applies only to loans contracted on or after 1 April 1991.

Powers of the Minister **470.** The Minister may withhold or cancel the whole or part of the amount of a subsidy intended for a regional board, a public institution, a private institution under agreement, a community organization or an accredited private resource where it refuses or neglects to comply with a provision of this Act or the regulations applicable to it. A regional board may exercise the same powers with regard to subsidies intended for the institutions, community organizations and accredited private resources of its region.

Exception The Minister cannot, however, withhold or cancel a subsidy granted under section 468 for the payment in capital and interest of any duly authorized loan obtained by a regional board or public institution.

Corporation d'hébergement du Québec **471.** The Minister may, on the conditions he determines, assume the performance of any obligation of the Corporation d'hébergement du Québec, which is incorporated for exclusively charitable purposes, or grant, on behalf of the Government, a subsidy of the same nature as that of a subsidy under section 468 to provide for the payment of any loan obtained by that Corporation, where the loan or obligation is obtained or undertaken, directly or indirectly, for one or other of the following purposes:

(1) to acquire, build or convert an immovable used or to be used by an institution, a regional board or any other person, association or corporation specially designated by the Minister;

(2) to administer and maintain such an immovable and acquire or procure, by supply contract, the required furnishings and equipment and all other services which may be required;

(3) to finance such activities.

Corporation
d'héberge-
ment du
Québec

The Minister may also determine which members of the personnel of the Ministère de la Santé et des Services sociaux will be assigned to the operation of the Corporation d'hébergement du Québec, and provide the Corporation with the equipment and premises needed for its operations.

Provisions
applicable

472. The provisions of section 260, paragraph 3 of section 263 and section 264, adapted as required, apply to any operation involving immovables carried out by the Corporation d'hébergement du Québec for the purposes of an institution.

Report

473. Not later than 30 June each year, the Corporation d'hébergement du Québec must make a report of its activities for the preceding fiscal year to the Minister; the report must also contain all the information that the Government or the Minister may prescribe.

Information

In addition, the Corporation must provide the Minister with any information he requires on its operations.

Audit

474. The books and accounts of the Corporation d'hébergement du Québec shall be audited each year by the Auditor General and also whenever the Government so orders; the audit reports must be attached to the annual report of the Corporation.

Agreements
with private
institutions

475. After consulting the regional board, the Minister may, if he considers it in the public interest and justified by the needs of a region, enter into an agreement with a private institution for either of the following purposes:

(1) compensation for the health and social services it provides under the agreement, at a rate fixed by the Government for any class of centres or services it designates;

(2) full or partial reimbursement for expenditures eligible for subsidies under the budgetary rules referred to in section 465.

Funding
agreements

476. The Minister, with the approval of the Conseil du trésor and on the conditions it determines, may negotiate and accept terms and conditions applicable to all funding agreements entered into under paragraph 2 of section 475 and, saving the exceptions prescribed by the Minister, to all private institutions under the agreement.

Financial
management
manuel

477. In order to ensure the uniform administrative and financial management of public and private institutions under agreement and of regional boards, the Minister shall publish and keep up to date a financial management manual.

CHAPTER VI

MATERIAL AID AND ASSISTANCE TO PERSONS

Assistance
to individuals

478. The Minister, a regional board or an institution designated for such purpose by the Minister, or an organization authorized by the Minister, may provide material or financial assistance for either of the following purposes:

(1) to lodge any person who is the victim of violence, vagrant or homeless;

(2) to maintain a person in his home.

Assistance
to individuals

He or it may also provide any other form of assistance determined by the Government, such as maintenance or transportation allowances or other allowances or payments for which the person is not eligible under another Act.

Assessment

479. Where assistance is granted to a person under section 478, an assessment shall be made, in the cases prescribed by regulation under section 480, to determine whether the person is in need of assistance.

Assessment

The assessment shall be made by comparing the income and assets of the person with the cost of his needs on a monthly basis. The income, assets and, if applicable, needs of the person taken into account for the assessment shall be those determined in the regulation referred to in the first paragraph.

Regulations

480. The Government shall determine by regulation

(1) the cases in which an assessment must be made to determine whether a person is in need of assistance;

(2) the income, assets and, if applicable, needs to be taken into account, or excluded, in determining a person's financial situation;

(3) the amounts which may be paid and the goods and services which may be furnished as material and financial assistance.

Emergency
lodging

481. Emergency lodging shall include lodging, feeding and providing assistance and various support services to a person whose physical or mental security is compromised and who, due to that fact, is in need of such services.

Interpreta-
tion

482. Amounts of money paid under this chapter for emergency lodging shall be deemed to be made to cover payment for the cost of

lodging and of services rendered to persons recognized as being in need of assistance under the provisions of this chapter.

Interpreta-
tion

483. Amounts of money paid before (*insert here the date of coming into force of this section*) to or for persons in need by the Minister, institutions or organizations, in the form of allowances or premiums, to foster attendance of the institution or organization, encourage continued participation in a rehabilitation program or for emergency lodging, shall be deemed to have been provided under section 478.

Unseizabi-
lity

484. Aid granted under this chapter is unassignable and unseizable. Such aid must be used for the purposes for which it was granted. It is not taken into account when benefits, allowances or income replacement benefits are granted or calculated under any other legislative or regulatory provision, unless the provision expressly prescribes otherwise.

CHAPTER VII

REGULATIONS

Regulations
of the
Minister

485. The Minister may, with the approval of the Conseil du trésor, make regulations applicable to institutions and regional boards, and to the Corporation d'hébergement du Québec respecting the standards, conditions and procedure to be observed for procurement of goods and services, joint purchases and mandates given for that purpose, franchising of services, construction of immovables, alienation of property, leasing of immovables and contracts related to such matters.

Approval

486. The Minister, in making regulations under section 485, may determine cases where his approval or that of the regional board is required.

Forms

For the purposes of the regulations, the Minister may, in addition, prescribe and issue model contract forms or other standard documents.

Application
of s. 485

487. The Government may, if it considers it warranted by exceptional circumstances, such as full funding by private sources, or where major financial, scientific or technological repercussions on the activities of an institution are at stake, permit the Minister to exclude a project involving the construction of an immovable from the application of all or some of the provisions of a regulation made under section 485.

Terms and conditions The Government may, in that case, establish other specific terms and conditions for the carrying out of the project concerned.

Offence **488.** The Minister may determine, in each regulation he makes under this chapter or in a regulation made under section 118, the provisions of that regulation the contravention of which shall constitute an offence.

CHAPTER VIII

SUPERVISORY POWERS

DIVISION I

INSPECTION

Inspection **489.** A person authorized in writing by the Minister to make an inspection may at any reasonable time enter any premises in which he has reason to believe that operations or activities for which a permit is required by this Act are carried on, or any centre, in order to ascertain whether this Act and the regulations are being complied with.

Powers of inspection Such person may, during an inspection,
(1) examine and make a copy of any document relating to the activities carried on in those premises or that centre;
(2) demand any information relating to the application of this Act and the production of any document connected therewith.

Access to documents Every person having custody, possession or control of such documents must, on request, make them available to the person making the inspection.

Proof of capacity Any person making an inspection must, if so required, produce a certificate signed by the Minister attesting his quality.

DIVISION II

PROVISIONAL ADMINISTRATION

Provisional administration of public institution **490.** The Minister may, for a period not exceeding 120 days, assume the provisional administration of a public institution,

(1) where the institution no longer holds a permit, no longer satisfies the conditions required for obtaining a permit, or if its permit has been cancelled in accordance with this Act;

(2) where the institution's permit has been suspended for failure to comply with an order of the Minister directing that certain remedial measures be taken within the time fixed under section 447;

(3) where the institution indulges in practices or tolerates a situation which could endanger the health or welfare of persons whom the institution receives or could receive or which are inconsistent with the pursuit of the mission of the centre it operates;

(4) where he considers that there has been a serious fault, such as embezzlement, breach of trust or other misconduct by one or more members of the board of directors or if the board is seriously remiss in the performance of its obligations under this Act, such as incurring expenditures not provided for in the budget of an institution or not specially authorized in accordance with this Act;

(5) or where the institution has failed to obtain the authorization provided for in section 113.

Application The first paragraph applies, adapted as required, to private institutions under agreement.

Provisional
administra-
tion of
regional
board **491.** The Minister may also assume the administration of a regional board for a period not exceeding 120 days where he considers that there has been a serious fault, such as embezzlement, breach of trust or other misconduct by one or more members of the board of directors or where the board is seriously remiss in the performance of its obligations under this Act.

Extensions **492.** The time limits prescribed in sections 490 and 491 may be extended by the Government provided that no period of extension exceeds 90 days.

Preliminary
report **493.** Where the Minister assumes provisional administration of an institution or regional board, he shall make a preliminary report of his findings to the Government as soon as possible, together with his recommendations.

Representa-
tions **494.** Before submitting his preliminary report to the Government, the Minister shall give the institution or the regional board, as the case may be, an opportunity to be heard. The Minister shall attach to his report a summary of the representations made to him.

Suspension
of powers **495.** Where the Minister assumes provisional administration in accordance with this division, the powers of the members of the board

of directors of the public institution or regional board, or those of the director or of the members of the board of directors of the private institution under agreement, as the case may be, are suspended and the Minister shall exercise their powers.

Immunity **496.** No natural or legal person who, under the authority of the Minister, assumes provisional administration of an institution or regional board, as the case may be, may be prosecuted for any act performed in good faith in the performance of his or its functions.

TITLE III

THE GOVERNMENT

CHAPTER I

ADMINISTRATIVE MEASURES

Administrative measures **497.** The Government may, where the preliminary report made by the Minister pursuant to section 493 confirms the existence of a situation described in section 490 or 491,

(1) attach such restrictions and conditions to the permit of the institution as it deems appropriate;

(2) prescribe the time by which any situation described in section 490 or 491 must be remedied;

(3) order the Minister to continue his administration or to relinquish it and not to resume it unless the institution or the regional board, as the case may be, fails to comply with the conditions imposed by the Government pursuant to subparagraph 1 or 2.

Report by the Minister The Government shall, in addition, order the Minister to make a final report to it upon ascertaining that the situation described in section 490 or 491 has been corrected or that it will not be possible to correct it.

Decision of the Government **498.** After receiving the final report of the Minister, the Government may take one or several of the following measures:

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

(2) declare the members of the board of directors of the public institution, the members of the regional board or the members of the board of directors or the director of a private institution under agreement, as the case may be, forfeited of office and provide for the appointment or election of their replacements;

(3) exercise any power conferred upon it by section 497.

Financial
control

499. The Government may designate a person who shall be responsible for ensuring that the public funds put at the disposal of an institution or regional board which does not exercise adequate budgetary control are properly used.

Compliance

Every person performing administrative duties within the institution or regional board is bound to submit to the controller's directives, within the limits of the powers assigned to him.

Countersig-
nature

No undertaking may be entered into on behalf of the institution or regional board nor any disbursement made without the countersignature of the controller. Any agreement made in contravention of this paragraph is null.

Investiga-
tion

500. The Government may designate a person who shall be responsible for investigating any matter pertaining to the quality of health services or social services and to the administration, organization and operation of an institution or regional board.

Immunity

The investigator is vested, for the purposes of the investigation, with the immunity and powers of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.

Suspension
of powers

501. In designating a controller or an investigator, the Government may order that some or all of the powers of the board of directors of a public institution or of a regional board or of the director or board of directors of a private institution under agreement, as the case may be, be suspended for a period of not more than six months and appoint a person who shall exercise the powers thus suspended.

Extension

The Government may extend the suspension and the term of office of the director it has appointed for a period of not more than six months.

Decision
annulled by
administra-
tor

502. The administrator appointed by the Government may, subject to the rights of third persons in good faith, annul a decision taken before his appointment under the powers which have been suspended.

Immunity

He cannot be prosecuted for an act performed in good faith in the performance of his functions.

Medical
residents

503. The Government shall determine each year the number of positions for medical residents available in the post-doctoral medical training programs. This number includes

(1) the general practice or family medicine training positions;

(2) the other training positions required for one or another of the specialties recognized by regulation under the Medical Act (R.S.Q., chapter M-9).

Undertaking

In order to foster what it considers a rational distribution of medical resources among the regions, the Government may each year authorize certain of the positions provided for in subparagraph 2 of the first paragraph, on the condition that the trainees agree to sign an undertaking, which may contain a penal clause, to practise for a period not exceeding four years in the region or institution determined by the Minister. These positions cannot exceed 25 % of the number of positions intended for new trainees among the total number of positions provided for in subparagraph 2 of the first paragraph.

Vacant
positions

Where a position referred to in the second paragraph has not been filled, it automatically becomes a general practice or family medicine training position to which no undertaking to practise in a particular region or institution is attached.

Additional
training
positions

The Government may also, if it deems it appropriate, authorize certain additional training positions in post-doctoral medical training programs intended for graduate students of a university or school situated outside Canada or the United States on the condition that the trainees agree to sign an undertaking, which may contain a penal clause, to practise for a period not exceeding four years in the region or institution determined by the Minister.

Consultation

The number of the positions referred to in the second paragraph shall be determined after the Minister has consulted the Corporation professionnelle des médecins du Québec, Québec universities having a faculty of medicine and the regional boards of the regions where the trainees are to practise.

Undertaking

504. The Government may determine each year a number of positions available to the doctoral medical training programs for students from outside Québec, on the condition that they agree to sign, before the start of their training program, an undertaking which may contain a penal clause, to practise for a period not exceeding four years in the region or institution determined by the Minister in the event that they practise medicine in Québec after obtaining their licence to practise.

CHAPTER II

REGULATIONS

DIVISION I

ADMINISTRATION OF THIS ACT

Regulations

505. The Government may, by regulation,

(1) determine which centres must provide emergency services to users requiring such services and, where required, determine the care and services included in emergency services, and fix the maximum period for which a user may occupy a bed in an emergency service;

(2) fix the minimum amount of liability insurance that a physician or dentist is required to hold under section 258;

(3) determine, for the purposes of the authorization required from the regional board for the work mentioned in paragraph 3 of section 263, the applicable amounts;

(4) determine in what cases and circumstances and on what conditions the institutions may supply medicines;

(5) determine the conditions and measures of hygiene and safety which must be maintained or taken, as the case may be, in an institution;

(6) determine the by-laws a regional board or an institution may or must adopt;

(7) determine the information relating to the report of activities and the annual financial report which must be presented by a public institution when holding its public information meeting, and the form in which it must be presented;

(8) determine the items which must be covered by the auditor in auditing the affairs of an institution or regional board;

(9) prescribe the manner in which the mechanisms of access to services referred to in section 355 are put in place and, in the case of rehabilitation centres, determine to which class of such centres those provisions apply;

(10) prescribe measures relating to child placement services which must be complied with by an institution operating a child and

youth protection centre and other institutions exercising responsibilities in that field;

(11) determine the form of the organization plan of any institution, the items it must contain and the methods or rules according to which it must be prepared;

(12) determine the form of the regional medical staffing plan drawn up by a regional board, the items it must contain and the methods or rules according to which it must be prepared;

(13) determine, for the institutions it indicates, the divisions, services and departments that the organization plan of the institution must include, the responsibilities and functions that must be exercised by the heads of those divisions, services and departments and the physician in charge referred to in section 186 and, where applicable, their mode of appointment and required qualifications;

(14) determine, for institutions operating a hospital, the qualifications required of the head of a clinical department and the responsibilities and functions that he is required to carry out in addition to those entrusted to him under the organization plan of the institution;

(15) determine, for institutions operating a centre other than a hospital, the mode of appointment of the heads of the divisions, services or departments referred to in paragraph 13 and the person or authority who will appoint them;

(16) identify, for institutions operating a centre other than a hospital, divisions, services or departments where the designation of a person in charge, rather than their actual establishment, is provided for in the organization plan of the institution and specify the activities to be carried on therein;

(17) determine the functions exercised by and the qualifications required of a person in charge as referred to in paragraph 16, his mode of appointment and the person or authority who will appoint him;

(18) identify among the institutions which operate a hospital those which are not required to provide for the formation of a clinical department of general medicine in the organization plan of the hospital;

(19) determine on what conditions and in what circumstances an institution referred to in section 117 may supply experimental medicines;

(20) determine, for the purposes of the regional medical staffing plan or that part of the organization plan of an institution which concerns the medical and dental staff and of the expansion or reduction objectives identified for a regional board by the Minister pursuant to section 377, methods or rules for determining the size of the medical or dental staff, which must take into account the number of physicians practising in a region who receive remuneration from the Régie de l'assurance-maladie du Québec; these methods or rules may vary according to the regions, the missions of the centres or the classes of the rehabilitation centres or hospitals, if any, and according to the activities carried on in those centres;

(21) determine the form and tenor of an application for the issue or renewal of a permit, the qualifications required of the applicant, the conditions he must fulfil and the information and documents he must provide;

(22) determine the remuneration or other benefits that may be granted to a physician pursuant to section 259;

(23) determine the content of a user's record of complaint;

(24) determine standards governing the compilation and keeping of users' records, the particulars and documents they contain as well as access to and transfer of such records;

(25) prescribe, for each regional board, the information that it may require from the institutions and community organizations of its region;

(26) prescribe the nominative and non-nominative information that an institution must provide to the Minister concerning the needs for and utilization of services;

(27) determine the classes of users for whom an intervention plan or an individualized service plan must be prepared;

(28) determine the conditions and procedure of registration, enrolment, admission, transfer, discharge or absence for the users of an institution;

(29) prescribe the amount of administration costs that an institution may require of a user for the provision, in a hospital, of services also available in a local community service centre or in a private practice facility and determine the cases, circumstances and conditions in which such costs may be required.

(1) determine the tenor of the form that must be completed by a physician, dentist or pharmacist in applying for appointment;

(2) determine the procedure according to which disciplinary measures may be taken by the board of directors with regard to a physician, dentist or pharmacist;

(3) determine the status that may be granted by the board of directors of an institution to a physician, dentist or pharmacist, the conditions on which a status may be granted and the prerogative attached thereto;

(4) determine the committees that the council of physicians, dentists and pharmacists of a centre is required to set up, prescribe their functions, their composition, the mode of appointment of their members, and their method of operation as well as rules on the keeping, examination and preservation of records.

Regulations

507. The Government may, by regulation, determine the standards and scales which must be used by regional boards, public institutions and private institutions under agreement for

(1) the selection, appointment and engagement of and the remuneration and other terms of employment applicable to executive directors and senior and middle management personnel;

(2) the remuneration and other terms of employment of the other staff members, subject to the collective agreements in force.

Procedure

The Government may establish by regulation, for persons referred to in subparagraphs 1 and 2 of the first paragraph who are not governed by a collective agreement, a procedure of appeal for cases of termination of employment, of non-renewal other than cases arising from proceedings for forfeiture of office, of suspension without pay or of demotion. The regulation may also prescribe a procedure for the settlement of disagreements over the interpretation and application of the terms of employment established thereby. Lastly, it may prescribe a method for the designation of an arbitrator, to which sections 100.1 and 139 to 140 of the Labour Code apply, and the measures the arbitrator may take after having heard the parties.

Services
in the
English
language

508. The Government shall designate from among the institutions recognized under paragraph *f* of section 113 of the Charter of the French language those which are required to make health services and social services accessible in the English language to English-speaking persons.

Provincial
committee

509. The Government shall, by regulation, provide for the formation of a provincial committee entrusted with advising the Government on

(1) the dispensing of health and social services in the English language;

(2) the approval, evaluation and modification by the Government of each access program developed by a regional board in accordance with section 348.

Composition

The regulation must provide for the composition of the committee, its rules of operation and internal management, the manner in which its affairs are to be conducted and its functions, duties and powers.

Regional
committees

510. The Government shall, by regulation, provide for the formation of regional committees entrusted with

(1) advising the regional board concerning the access programs developed by that board in accordance with section 348;

(2) evaluating the access programs and modifying them where necessary.

Composition
and internal
management

The regional board concerned shall determine by by-law the composition of its regional committee, its rules of operation and internal management, the manner in which its affairs are to be conducted and its functions, duties and powers.

Offence

511. The Government may determine, in each regulation made under this chapter, the provisions of that regulation the contravention of which shall constitute an offence.

DIVISION II

STANDARDS RELATING TO USERS' CONTRIBUTIONS

User's
contribution

512. The Government shall determine, by regulation, the contribution that may be required of users lodged in a facility maintained by a public or private institution under agreement, including any intermediate resource of a public institution, or taken in charge by a family-type resource.

Personal
allowance

The regulation shall also determine the amount of personal expense allowance which must be left at the disposal of the user each month.

513. The amount of the contribution may vary according to the circumstances or needs identified by regulation.

Amount of
contribution

Payment The contribution shall be required by an institution or by the Minister. The users themselves are bound to pay it; however, in the case of a user who is a minor, the contribution may be required of his father, mother, both of them jointly or any other person determined by regulation; in the case of a married user, the contribution may be required of the spouse and, in the case of a member of a religious community, the contribution may be required of the community.

Exemption **514.** The Minister or an institution designated by regulation may, at the request of a person of whom payment of a contribution is required, exempt such person from paying the contribution, in accordance with the terms and conditions and in the circumstances determined by regulation.

**Indexing
and
collection** **515.** The Government may, in a regulation made under sections 512 to 514,

(1) prescribe the automatic indexing of all or part of the amounts fixed in the regulation, according to the index provided therein;

(2) prescribe a financial contribution which varies according to whether the user or person of whom payment of the financial contribution may be required is or is not resident in Québec, and define, for that purpose, the expression “resident in Québec”;

(3) render liable for payment of the contribution any user staying in an institution elsewhere in Canada who has retained his status as a resident of Québec, and enable the Minister or the person designated by him to collect such contribution.

**Prohibited
practices** **516.** A user or any person of whom payment of a financial contribution may be required must not, in the two years preceding the moment when the user was provided with lodging or taken in charge, have renounced his rights, or alienated property or liquid assets without due consideration, or have squandered such property or assets with the intention of making himself eligible for an exemption from payment or in such a way that he would be required to pay a lower contribution than what he would otherwise have been required to pay.

Recovery Where provisions of the first paragraph are violated, the Minister or the institution referred to in section 514 may, to the extent and on conditions prescribed by regulation, institute proceedings for the recovery of the value of the rights, property or liquid assets by which

a third person has benefited as a result of the renunciation, alienation or squandering, after subtracting the just consideration paid by the third person, and he or it may also take any other measure provided for by such a regulation.

Appeal **517.** Any person may appeal to the Commission des affaires sociales from a decision respecting an exemption from payment that he applied for under section 514.

Contribution for minor **518.** When a young person is placed in accordance with the Act respecting young offenders, the contribution for a user who is a minor established according to section 513 shall apply, and any person of whom it may be required is bound to pay it if not exempt therefrom under section 514 or 517.

Monthly payment **519.** The contribution of a user is payable each month in a single payment.

Interest It bears interest at the rate fixed by the Government in accordance with section 28 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31).

Collection No institution may waive payment of a user's contribution or of the interest.

Prescription **520.** All proceedings for the recovery of a user's contribution are prescribed by three years from the date on which it became payable.

PART IV

CENTRE DE RÉFÉRENCE DES DIRECTEURS GÉNÉRAUX ET DES CADRES

Establishment **521.** A body, known as the Centre de référence des directeurs généraux et des cadres, is hereby instituted.

Functions **522.** The Centre shall have the following functions:

(1) attesting whether or not candidates qualify to hold the position of executive director of regional boards and public institutions;

(2) ascertaining whether or not executive directors holding positions on 4 September 1991 meet the necessary requirements for holding that position as established at the time the classification of the position is determined;

(3) setting up and updating regularly a bank of candidates qualified to hold the position of executive director of a regional board or public institution;

(4) seeing to the application of the regulatory provisions adopted pursuant to section 507 of this Act concerning situations involving the abolition of positions of executive director and senior and middle management positions in regional boards and institutions coming under the said regulations;

(5) carrying out any other mandate prescribed by regulation under section 507 or entrusted to it by the Minister concerning the career development of executive directors and senior management personnel.

Composition **523.** The Centre, in addition to its chief executive officer, shall be composed of the following members:

(1) one member appointed by each of the associations representing the centres listed in section 79;

(2) two members appointed by the association recognized for purposes of labour relations to represent executive directors;

(3) two members appointed jointly by the associations recognized for purposes of labour relations to represent senior and middle management personnel;

(4) two members appointed by the Minister;

(5) two members appointed by the regional boards.

Term **524.** The members of the Centre shall be appointed for three years. They shall remain in office at the expiration of their term until reappointed or replaced.

Board of directors **525.** Members of the Centre become, upon appointment, members of the board of directors.

Term of chief executive officer **526.** The chief executive officer of the Centre shall be appointed by the Minister for a term not exceeding four years. He is, *ex officio*, chairman of the board of directors.

Responsibilities **527.** The chief executive officer is responsible, under the authority of the board of directors, for the management of the body with regard to its by-laws. He must exercise his function on a full-time basis and tend exclusively to the duties thereof.

Remuneration His remuneration and other terms of employment are established by the Government.

Reimbursement of expenses **528.** The members of the board of directors, with the exception of the chief executive officer, receive no salary; they are, however, entitled to reimbursement of expenses incurred in the performance of their duties, on the conditions and to the extent determined by the Government.

By-laws **529.** The Centre must adopt by-laws concerning
 (1) its internal management;
 (2) the criteria of qualification applicable to the executive directors of regional boards and public institutions.

Approval These by-laws must be approved by the Minister.

Annual report **530.** The Centre must submit an annual report to the Minister as well as any information on its activities that he requires.

PART V

PENAL PROVISIONS

Offences and penalties **531.** Every person who contravenes any provision of section 437, 438 or 462 or a regulatory provision referred to in section 488 or 511 is guilty of an offence and is liable to a fine of \$325 to \$1 150 in the case of a natural person or to a fine of \$700 to \$7 000 in the case of a legal person. Every person who commits an offence described in sections 532 to 535 is also liable to the said fine.

Offence and penalties Every person who contravenes the third paragraph of section 452 is guilty of an offence and is liable to a fine of \$2 450 to \$6 075 in the case of a natural person or to a fine of \$6 075 to \$12 150 in the case of a legal person.

Offence **532.** Every person who omits or refuses to provide the information, reports, or other documents required to be communicated under this Act is guilty of an offence.

Offence **533.** Every person who knowingly provides the Minister, the Inspector General of Financial Institutions or any other person with information, reports or other documents required to be communicated under this Act which are false or misleading is guilty of an offence.

Offence **534.** Every person who omits or refuses to keep a book or register required under this Act or to make a required entry therein is guilty of an offence.

Offence **535.** Every person who hinders the performance of the duties of a person making an inspection, investigation or examination under this Act is guilty of an offence.

Parties to an offence **536.** Where a legal person is guilty of an offence under any of sections 531 to 535, any director, employee or agent of the legal person who has prescribed or authorized the commission of the offence or assented thereto or acquiesced or participated therein is deemed a party to such offence.

Aiding in the commission of an offence **537.** Every person who, through his act or omission, helps another person to commit an offence may be convicted of the offence as if he had committed it himself, if he knew or should have known that his action or omission would as a probable consequence assist in the commission of the offence.

Encouraging the commission of an offence **538.** Every person who, by encouragement, advice or order, induces another person to commit an offence may be convicted of the offence as if he had committed it himself, as well as of any other offence committed by the other person as a result of the encouragement, advice or orders, if he knew or should have known that such encouragement, advice or orders would have as a probable consequence the commission of the offence.

Proceedings **539.** Proceedings instituted under this Part are brought by the Attorney General or by any person generally or specially authorized by him in writing for that purpose.

PART VI

CONTINUANCE OF LEGAL PERSONS

CHAPTER I

PUBLIC INSTITUTIONS

Continuance **540.** Every establishment incorporated under the Act respecting health services and social services (R.S.Q., chapter S-5) or resulting from an amalgamation or conversion made under the said Act is continued and is deemed, from (*insert here the date of coming into force of this section*), to be an institution incorporated under this Act.

Rights and
obligations

The rights, obligations and acts of such an institution are not affected by the continuance. They remain in force and retain their effect to the extent that they are consistent with this Act.

Hospital

541. If the continued establishment operated a hospital centre for short term care, it is deemed to have as its object, from the date of continuance, the carrying on of activities inherent in the mission of a hospital belonging to one or another of the classes listed in section 85 and determined by the Minister.

Long-term
care centre

542. If the continued establishment operated a hospital centre for long term care or a shelter centre, it is deemed to have as its object, from the date of continuation, the carrying on of activities inherent in the mission of a residential and long-term care centre within the meaning of this Act.

Rehabilita-
tion centre

543. If the continued establishment operated a rehabilitation centre, it is deemed to have as its object, from the date of continuation, the carrying on of activities inherent in the mission of a rehabilitation centre belonging to one or another of the classes listed in section 86 and determined by the Minister. In the case of a rehabilitation centre for physically impaired persons, the Minister shall also determine, in accordance with section 87, the type to which the centre belongs.

Child and
youth pro-
tection
centre

544. If the continued establishment operated a social service centre, it is deemed to have as its object, from the date of continuation, the carrying on of activities inherent in the mission of a child and youth protection centre within the meaning of this Act.

Sup-
plementa-
ry letters
patent

545. In order to effect the modifications consequent upon the application of sections 541 to 544, supplementary letters patent shall be issued in accordance with section 322.

Non-profit
corporation

546. A public institution referred to in paragraph 1 of section 98 shall continue its activities under this Act from (*insert here the date of coming into force of this section*) and is deemed to have as its object, from that date, the carrying on of activities inherent in the mission of one or more than one of the centres mentioned in paragraphs 1 to 5 of section 79.

Provisions
applicable

Sections 541 to 544, wherever pertinent, apply to such institutions, adapted as required.

Interpreta-
tion

547. Any provision of the constituting instrument of an institution referred to in section 546 that is inconsistent with a

provision of this Act is inoperative and deemed to have been replaced, from (*insert here the date of coming into force of this section*) by the corresponding provision of this Act, until supplementary letters patent have been obtained by the institution, where such is the case.

Sup-
plementa-
ry letters
patent

548. Notwithstanding any inconsistent legislative provision, the Inspector General of Financial Institutions may, upon an application by the institution referred to in section 546 and with the written authorization of the Minister, issue supplementary letters patent to replace the provisions of the constituting instrument of the institution by the corresponding provisions of this Act or to repeal provisions of those constituting instruments for which there is no corresponding provision in this Act.

Publication

The Inspector General shall publish the supplementary letters patent in the *Gazette officielle du Québec*, with a notice indicating the date on which they come into effect.

Entry in
annual
volume of
statutes

549. Where an institution to which section 548 applies has been incorporated by a special Act, the Québec Official Publisher must insert in the annual compilation of the statutes of Québec a table indicating the date of effect of the supplementary letters patent issued before its printing and the legislative provisions which they replace or repeal.

Content of
application

550. The application referred to in section 548 must be signed by the executive director and by the chairman of the board of directors of the institution. It must be supported by a by-law passed by the board of directors. In the case of an institution referred to in section 327, the by-law must also be approved in accordance with that section.

Private
institution

551. Notwithstanding paragraph 1 of section 98, an institution holding a permit on (*insert here the date of coming into force of this section*) and constituted as a non-profit corporation before 1 January 1974, remains a private institution where any sums it receives which are derived from the consolidated revenue fund do not cover more than 80 % of the net amounts it would receive for its current operating expenditures if it were a public institution.

New boards
of directors

552. From the date of coming into force of sections 540 to 544, 546 and 547, public institutions shall cease to be administered by the boards of directors established under the Act respecting health services and social services (R.S.Q., chapter S-5) and begin to be administered by the first boards of directors established under this Act.

Long-term
care centre
under the
management
of non-
profit cor-
poration

553. Notwithstanding sections 119, 126, 170, 547 and 552, a public institution referred to in paragraph 1 of section 98 which carries on activities inherent in the mission of a residential and long-term care centre, on *(insert here the date of coming into force of this section)*, is represented and has its affairs administered by the board of directors formed according to its constituting instrument, if it fulfils the following conditions:

(1) the corporation is a religious community or a corporation established under the Act incorporating that religious community or under a special Act which applies to it;

(2) the immovable assets used for the activities of the institution were the property of such a corporation on 21 December 1977;

(3) it has been given the written authorization of the Minister to that effect.

Applicable
regulations

Nevertheless, the board of directors remains subject to other regulations consistent with this Act and the regulations respecting the board of directors of a public institution.

CHAPTER II

HEALTH AND SOCIAL SERVICES COUNCILS

Health and
social
services
councils
replaced by
regional
boards

554. Every health and social services council in existence on *(insert here the date of coming into force of this section)* ceases to exist in its territory from that date. From the said date, the rights and obligations of each health and social services council shall become the rights and obligations of the regional board established under this Act as having jurisdiction over its territory to the extent provided for in a plan of allotment of rights and obligations to be determined in accordance with the Act.

Functions of
regional
boards

555. From the coming into force of section 554, the regional board shall exercise all the functions that are assigned to it by this Act. However, it shall exercise the functions relating to the implementation of health and social services programs only from the time jurisdiction over such programs is assigned to it by the Minister.

PART VII

AMENDING, TRANSITIONAL AND FINAL PROVISIONS

CHAPTER I

LEGISLATIVE AMENDMENTS

HEALTH INSURANCE ACT

c. A-29,
s. 1, am. **556.** Section 1 of the Health Insurance Act (R.S.Q., chapter A-29) is amended

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

“basic
remunera-
tion”

“(f.1) “basic remuneration” means the basic tariff provided for in an agreement referred to in section 19 in respect of the remuneration by the act of insured services before the carrying out of the rules governing the placing of a ceiling on activities;”;

(2) by inserting the figures “, 69.1, 69.2” after the figure “69” in the second line of subparagraph *k* of the first paragraph.

c. A-29,
s. 1.1,
added

557. The said Act is amended by inserting, after section 1, the following section:

Cost of
insured
services

“1.1 For the purposes of sections 10, 11 and 64, the cost of insured services shall be the amount fixed by the Board according to the basic remuneration, within the meaning of subparagraph *f.1* of the first paragraph of section 1, for such services, as applicable at the time a health professional provides an insured service to a beneficiary without taking into account any amendment to the remuneration, subsequent to that time.”

c. A-29,
s. 3, am.

558. Section 3 of the said Act is amended

(1) by striking out the eleventh paragraph;

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

Cost
assumed
by the
Board

“The Board also assumes the cost of services and goods provided under the programs it administers by virtue of the first paragraph of section 2 of the Act respecting the Régie de l’assurance-maladie du Québec (R.S.Q., chapter R-5) according to the conditions and methods provided for under those programs.”;

(3) by replacing the words “a regional council” in the fourth line of the twelfth paragraph by the words “the Corporation d’urgences-santé de la région de Montréal Métropolitain”.

c. A-29,
s. 9,
replaced

559. Section 9 of the said Act is replaced by the following section:

Registration

“9. Every person who is or is deemed to be a resident of Québec must register with the Board in accordance with the regulations.

Application

The information and documents prescribed by regulation shall accompany every application for registration.

Health-
insurance
card

The Board shall issue a health-insurance card to every person so registered. The card is valid for the length of time provided for by regulation. To obtain a new card a person must again register with the Board.

Ownership

Every health-insurance card is the property of the Board and its holder must return it to the Board and cease to present it to obtain insured services if he is no longer a resident of Québec or deemed to be a resident of Québec.

Notice

The Board may address a notice to a holder informing him whether or not he is a resident or deemed to be a resident of Québec.”

c. A-29,
s. 9.0.1,
replaced

560. Section 9.0.1 of the said Act is replaced by the following section:

Registration

“9.0.1 Every person contemplated in paragraph *a* of subparagraph 2 of the first paragraph of section 10 or in section 10.1 of the Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2) who benefits from all or part of the services provided for by this Act must register with the Board in accordance with the regulations.

Application

The information and documents prescribed by regulation shall accompany every application for registration.

Eligibility
card

The Board shall issue an eligibility card to a person so registered, entitling him to all or part of the said services. The card is valid for the time provided for by regulation. To obtain a new card a person must again register with the Board.

Ownership

The eligibility card is the property of the Board and its holder must return it to the Board and cease to present it if he no longer comes under paragraph *a* of subparagraph 2 of the first paragraph of section 10 or under section 10.1 of the Act respecting the Ministère

de la Santé et des Services sociaux. He must do likewise if he no longer benefits from all or part of the services provided for.

Notice The Board may send a notice to a holder indicating whether or not paragraph *a* of subparagraph 2 of the first paragraph of section 10 or section 10.1 of the Act respecting the Ministère de la Santé et des Services sociaux applies to him, or whether or not he benefits from all or part of the services provided for.

Provision applicable Section 22.0.1 applies, adapted as required, to that holder.”

c. A-29, ss. 9.4 and 9.5, added **561.** The said Act is amended by inserting, after section 9.3, the following sections:

Offence and penalty **“9.4** The following persons are guilty of an offence and are liable to a fine of not less than \$200 nor more than \$1 000:

(a) any person who neglects or refuses to return to the Board his health-insurance card or who presents it to obtain insured services when he is no longer a resident or deemed to be a resident of Québec;

(b) any person who neglects or refuses to return to the Board his eligibility card or who presents it to obtain insured services when he no longer comes under paragraph *a* of subparagraph 2 of the first paragraph of section 10 or under section 10.1 of the Act respecting the Ministère de la Santé et des Services sociaux or when he no longer benefits from all or part of the services provided for.

Authorized information **“9.5** No person may enter on a health-insurance card information other than that determined by regulation, or affix to a health-insurance card a substance or object not authorized by the Board.

Offence Every person who contravenes this section is guilty of an offence and is liable to a fine of \$50 to \$500, and, for any subsequent offence, to a fine of \$100 to \$1 000.

Encouraging the commission of an offence Every person who performs or fails to perform an act with a view to assisting a person in the commission of an offence under this section or who advises, encourages or incites him to commit an offence is guilty of an offence and is liable to the same penalty as that person.”

c. A-29, s. 12, am. **562.** Section 12 of the said Act is amended by adding, at the end, the following paragraph:

Remuneration “The Board must, when considering a statement of fees submitted under this section, apply all rules relating to remuneration

provided for under the relevant agreement as if payment were made directly to the professional in the field of health."

c. A-29,
s. 18.1, am. **563.** Section 18.1 of the said Act is amended by striking out the words "subparagraph *b* of" in the second line.

c. A-29,
s. 19,
replaced **564.** Section 19 of the said Act is replaced by the following section:

Agreements **"19.** For the purposes of this Act, the Minister may, with the approval of the Government, enter into an agreement with the representative organizations of any class of health professionals.

Remunera-
tion An agreement may, in particular, provide that the remuneration of insured services will vary according to rules which apply to an activity, a type of activity or all activities of a health professional, or to the activities of a class of professionals or of a specialty. Such an agreement may also provide different methods of remuneration which include fee-for-service remuneration, flat-rate fees and salary. It may also provide, as compensation or reimbursement, for the payment of various amounts such as premiums, expenses or allowances.

Regulation After consulting the representative organizations of the health professionals concerned, the Minister shall determine by regulation the territories or places of practice that he considers to be understaffed. Such regulations may apply to all professionals in a territory or a place of practice situated therein or to part of them, depending on the nature of their activities.

Different
remunera-
tion An agreement may provide for a different remuneration for the provision of medical services in a territory or place of practice defined by a regulation made under the third paragraph.

First years
of practice In addition, it may provide for a different remuneration for physicians in the first years of practising their profession or specialty under the plan, according to the territory where they practise or the type of activities they carry on.

Physicians
under
agreement An agreement may provide for a different remuneration for physicians according to whether or not they are authorized to participate in the agreement pursuant to sections 360 and the following sections of the Act respecting health services and social services and amending various legislation for all or part of their activities in the region. It may also provide for the terms and conditions of participation in such an agreement. The terms and conditions may provide, for the purposes of the first paragraph of

section 360 of the Act respecting health services and social services and amending various legislation, criteria permitting to determine whether a physician's professional activity is carried on mainly in private facilities.

Failure to
reach an
agreement

Failing an agreement to determine the different remuneration referred to in the fourth and fifth paragraphs, the Government may fix the remuneration by a regulation which shall be in lieu of an agreement. It may likewise determine the number of years of a physician's practice during which the different remuneration will apply, which shall not exceed three years. Any regulation which reduces the remuneration applicable to physicians during the first years of practising their profession or specialty under the plan applies only to physicians who begin practising their profession or specialty after the date of coming into force of the regulation.

Failure to
reach an
agreement

Failing an agreement to determine the different remuneration and the terms and conditions of participation of a physician in an agreement referred to in the sixth paragraph, the Government may fix the remuneration by a regulation which shall be in lieu of an agreement, and determine the terms and conditions of participation referred to in the sixth paragraph. It may likewise determine the number of years during which the different remuneration will apply and the rules of equivalence enabling a physician having held a licence to practise for less than ten years to be released from participation in a particular medical activity, especially by reason of his heavy workload or the number of years spent in practice in a territory or place of practice determined in the regulation.

Special
agreement

The Minister may, on an experimental basis and for a determined period, enter into a special agreement with the professionals of a clinical department of an institution in order to apply a method of remuneration provided for in an agreement entered into under the first paragraph to those professionals. The agreement shall require beforehand the consent of the health professionals concerned, of the board of directors of the institution and of the organization representing the professionals concerned.

Special
agreement

If the diminution of medical services in a territory endangers public health, the Minister may enter, for a fixed period of time, into a special agreement with a health professional in order to allow medical services to be adequately furnished in an institution of that territory.

Effect

Any such agreement shall bind, as the case may be, the Board, the regional boards and the institutions.

Consultation The Minister must consult the Board or the regional board, the institution or the group of institutions which may be bound by name by an agreement or part of an agreement. The latter may submit to the Minister their recommendations as to methods of participation in reaching the agreement or any part thereof.

Participation of the C.S.S.T. The Commission de la santé et de la sécurité du travail shall participate in the formulation of any part of such an agreement which deals with the services referred to in the tenth paragraph of section 3.

Labour legislation The provisions of the Labour Code (R.S.Q., chapter C-27) and of the Act respecting labour standards (R.S.Q., chapter N-1.1) do not apply to a health professional to whom an agreement made pursuant to this section applies who provides insured services in or on behalf of an institution."

c. A-29, s. 19.0.1, added **565.** The said Act is amended by inserting, after section 19, the following section:

Maximum number of research or teaching physicians **"19.0.1** An agreement entered into under the fifth paragraph of section 19 or, failing such an agreement, a regulation made under the seventh paragraph of that section, may provide for a maximum number of research physicians or teaching physicians as defined in the agreement or regulation and to whom different methods of remuneration do not apply."

c. A-29, s. 19.1, am. **566.** Section 19.1 of the said Act is amended by replacing the second paragraph by the following paragraph:

Provision applicable "The eleventh paragraph of section 19 applies to such an agreement."

c. A-29, s. 20, am. **567.** Section 20 of the said Act is amended by replacing the word "The" in the first line by the words "Subject to any regulation made under section 69 or 72, the".

c. A-29, s. 22, am. **568.** Section 22 of the said Act, amended by section 77 of chapter 4 of the statutes of 1990, is again amended

(1) by inserting, after the fourth paragraph, the following paragraphs:

Payment or benefit prohibited "No health professional who is subject to the application of an agreement may receive from an institution any sum of money or any direct or indirect benefit as consideration for providing insured services.

Recovery

The Board may recover from a health professional who contravenes the fifth paragraph, by compensation or otherwise, any amount or the value of any benefit received, after sending him a notice in writing.”;

(2) by replacing the word “He” at the beginning of the fifth paragraph by the words “A health professional subject to the application of an agreement”;

(3) by replacing, in the second and third lines of the ninth paragraph, the words “fifth or sixth paragraph, and every person who contravenes a provision of the seventh” by the words “seventh or eighth paragraph, and every person who contravenes a provision of the ninth”.

c. A-29,
s. 22.1, am.

569. Section 22.1 of the said Act is amended by replacing the second paragraph by the following paragraph:

Statement
of fees

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

c. A-29,
s. 22.1.1,
added

570. The said Act is amended by inserting, after section 22.1, the following section:

Cost of
insured
services

“22.1.1 Every beneficiary must be informed, according to the terms and conditions prescribed by regulation, of the cost of the insured services received by him.”

c. A-29,
s. 39, am.

571. Section 39 of the said Act is amended

(1) by replacing the words “four other members of whom two” in the third line of the first paragraph by the words “six other members of whom four”;

(2) by inserting, after the first paragraph, the following paragraph:

Term of
office

“The members of the Conseil consultatif de pharmacologie shall be appointed for a term not exceeding three years and shall remain in office, despite the expiry of that term, until reappointed or replaced.”

c. A-29,
s. 40, am. **572.** Section 40 of the said Act is amended by adding, at the end, the following paragraph:

Information
and price “In the exercise of its functions the Conseil may require from recognized manufacturers and wholesalers, or those applying to be recognized, pharmacotherapeutic information concerning a medication or any information relating to the price of medications it offers for sale.”

c. A-29,
s. 41,
replaced **573.** Section 41 of the said Act is replaced by the following section:

Revisory
committees **“41.** The Government shall appoint revisory committees responsible for making recommendations to the Board in respect of matters submitted to them by the Board under section 47.”

c. A-29,
s. 42, am. **574.** Section 42 of the said Act is amended

(1) by inserting, after the first paragraph, the following paragraph:

Term of
office “The term of office of a member of a revisory committee may be renewed consecutively only twice.”;

(2) by replacing the third to the eighth paragraphs by the following paragraphs:

Medical
specialists “One of the committees shall include five medical specialists, of whom two are chosen from a list of at least four names furnished by the Corporation professionnelle des médecins du Québec and three other are chosen from a list of at least six names furnished by any representative group with which the Minister has made an agreement applicable to medical specialists; such persons must not hold any elective or full-time office within that Corporation or those organizations.

General
practitioners Another committee shall include five general practitioners, of whom two are chosen from a list of at least four names furnished by the Corporation professionnelle des médecins du Québec and three others are chosen from a list of at least six names furnished by any representative group with which the Minister has made an agreement applicable to general practitioners; such persons must not hold any elective or full-time office within that Corporation or those organizations.

Specialists
in oral
surgery Another committee shall include five specialists in oral surgery, of whom two are chosen from a list of at least four names furnished

by the Corporation professionnelle des dentistes du Québec and three others are chosen from a list of at least six names furnished by any representative group with which the Minister has made an agreement applicable to specialists in oral surgery; such persons must not hold any elective or full-time office within that Corporation or those organizations.

Dentists

Another committee shall include five dentists, of whom two are chosen from a list of at least four names furnished by the Corporation professionnelle des dentistes du Québec and three others are chosen from a list of at least six names furnished by any representative group with which the Minister has made an agreement applicable to dental surgeons; such persons must not hold any elective or full-time office within that Corporation or those organizations.

Optometrists

Another committee shall include five optometrists, of whom two are chosen from a list of at least four names furnished by the Corporation professionnelle des optométristes du Québec and three others are chosen from a list of at least six names furnished by any representative group with which the Minister has made an agreement applicable to optometrists; such persons must not hold any elective or full-time office within that Corporation or those organizations.

Pharmacists

Another committee shall include five pharmacists, of whom two are chosen from a list of at least four names furnished by the Corporation professionnelle des pharmaciens du Québec and three others are chosen from a list of at least six names furnished by any representative group with which the Minister has made an agreement applicable to proprietary pharmacists; such persons must not hold any elective or full-time office within that Corporation or those organizations.”

c. A-29,
s. 50, am.

575. Section 50 of the said Act is amended by replacing the words “professional federation or association” in the seventh line of the first paragraph by the words “representative organization”.

c. A-29,
s. 64, am.

576. Section 64 of the said Act is amended by replacing the third paragraph by the following paragraph:

Statement
to the
beneficiary

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

(a) the name of the health professional, of the establishment, of the laboratory or of any person having furnished the services;

(b) the dates on which the services were furnished;

(c) the cost of each provision of service received by a beneficiary;
and

(d) the total sum thus paid for such services.”

c. A-29,
s. 65, am.

577. Section 65 of the said Act is amended

(1) by striking out the words “, with the authorization of the Government” in the first line of the third and the fourth paragraphs;

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

Natural
parents

“The Board may transmit to the director of youth protection of a child and youth protection centre, on request, the name, given names, date of birth, sex, address, and date of death of any person entered in its register of beneficiaries for the purpose of enabling a person to find, in accordance with the Civil Code of Québec, an adopted person or his biological parents.”

c. A-29,
s. 66.1, am.

578. Section 66.1 of the said Act is amended by inserting, after the second paragraph, the following paragraph:

Practice
profiles

“The Board shall also send, on request, to the regional medical committee established under section 367 of the Act respecting health services and social services and amending various legislation, or to a regional board referred to in the said Act, in a non-nominative form, the individual or group practice profiles of the health professionals who practise in the region concerned.”

c. A-29,
s. 67, am.

579. Section 67 of the said Act is amended by adding, at the end, the following paragraphs:

Statistics

“Neither does it prohibit the disclosure of information obtained for the carrying out of this Act to the Bureau de la statistique du Québec constituted under the Act respecting the Bureau de la statistique (R.S.Q., chapter B-8) where such disclosure is necessary for the carrying out of its functions, in accordance with the conditions and in the manner provided for in the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

Research

Furthermore, it does not prohibit that information obtained for the carrying out of this Act be disclosed to a person authorized by the Commission d'accès à l'information to use such information for purposes of research in the fields of health and social services.”

c. A-29,
s. 68,
replaced

580. Section 68 of the said Act is replaced by the following section:

Statement
of fees

“68. Every health professional to whom an agreement applies, whatever his basis of remuneration, is bound to furnish the Board with only the information or documents needed by the Board to evaluate a statement of fees or a request for payment concerning insured services furnished by him to a beneficiary or for purposes of the application of sections 2.1, 24.1 and 24.2 of the Act respecting the Régie de l’assurance-maladie du Québec and sections 18 and 64 of this Act.

Insured
services

An establishment which must attest a health professional’s statement of fees or request for payment must do so solely with regard to insured services within the meaning of section 3.”

c. A-29,
s. 69, am.

581. Section 69 of the said Act, amended by section 5 of chapter 56 of the statutes of 1990, is again amended

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

“(e.1) determine which services rendered by pharmacists must be considered insured services for the purposes of the third and fourth paragraphs of section 3 and prescribe the intervals at which certain of those services must be rendered to remain insured services. The intervals may vary according to the cases, conditions and circumstances it indicates;”;

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

“(l) determine the conditions to be met by a person who registers with the Board, the information and documents he must provide, the time of year of registration, and in what cases, conditions and circumstances and by what methods a person must register with the Board and the cases in which an application for registration may be made by one person on behalf of another;”;

(3) by replacing the word “in” in the first line of subparagraph *q* of the first paragraph by the words “and services for”;

(4) by inserting, after subparagraph *t* of the first paragraph, the following subparagraph:

“(t.1) determine the manner in which a beneficiary is informed of the cost of an insured service provided by a health professional;”;

(5) by inserting, after subparagraph *v* of the first paragraph, the following subparagraph:

“(w) provide for a different remuneration for physicians practising in a territory or place of practice coming under a regulation made pursuant to the third paragraph of section 19 or for physicians in the first years of practising their profession or specialty under the plan, according to the territory where they practise or the type of activities they carry on;”;

(6) by adding, after subparagraph *w* of the first paragraph, the following subparagraph:

“(x) provide for different remuneration for physicians according to whether or not they are authorized by a regional board to participate in an agreement referred to in section 360 of the Act respecting health services and social services and amending various legislation for all or part of their activities in that region, determine the terms and conditions of participation in such an agreement and the number of years during which the different remuneration will apply and the rules of equivalence allowing a physician having held a licence to practise for less than ten years to be released from participating in a particular medical activity, especially by reason of his heavy workload or the number of years spent in practice in a territory or place of practice determined by the regulation.”;

(7) by adding, at the end, the following paragraphs:

Effect

“Every regulation made pursuant to subparagraphs *b* to *e*, *g*, *i* or *u* of the first paragraph shall have effect, even with regard to health professionals bound by a valid agreement and notwithstanding any stipulation of such an agreement, on the date or dates fixed in the regulation.

Effect

However, a regulation made pursuant to subparagraph *b.1* of the first paragraph shall have effect, even with regard to health professionals bound by a valid agreement and notwithstanding any stipulation of such an agreement, on the date or dates fixed in the regulation, with the exception of a regulation having the effect of determining which services are not considered to be insured services in cases, conditions or circumstances which take into account the place of practice where they are dispensed.”

c. A-29,
s. 69.0.2,
am.

582. Section 69.0.2 of the said Act is amended by inserting the words “or *w*” after the words “subparagraph *u*” in the first line.

c. A-29,
s. 69.1, am.

583. Section 69.1 of the said Act is amended by adding the following paragraphs:

“(c) to determine the tenor of the undertaking a manufacturer or wholesaler must sign in order to be recognized;

“(d) to determine the conditions governing the practices of recognized manufacturers and wholesalers as regards the price of medications;

“(e) to determine in what cases the recognition of a manufacturer or wholesaler may be suspended or cancelled;

“(f) to determine the duration of the suspension or cancellation of the recognition of a manufacturer or wholesaler;

“(g) to determine in what cases the Minister may again recognize a manufacturer or wholesaler whose recognition is suspended or cancelled;

“(h) to establish a review procedure in cases of suspension or cancellation of the recognition of a manufacturer or wholesaler.”

c. A-29,
s. 69.2,
added

584. The said Act is amended by inserting, after section 69.1, the following section:

Understaffed
territories

“**69.2** The Minister may make regulations to determine the territories or places of practice situated therein that he considers to be understaffed with regard to all professionals or to some of them, taking into account the type of their activity.”

c. A-29,
s. 72, am.

585. Section 72 of the said Act is amended by adding, after subparagraph *f* of the first paragraph, the following subparagraphs:

“(g) establish the classes of health-insurance cards according to the services for which a person is eligible and determine, for each class of card, the information it shall contain;

“(h) determine the content of a health-insurance card and an eligibility card and the terms and conditions of their issue.”

c. A-29,
Div. XII.1,
repealed

586. The said Act is amended by striking out Division XII.1.

ACT RESPECTING THE RÉGIE DE L'ASSURANCE-MALADIE DU QUÉBEC

c. R-5,
s. 2,
replaced,
s. 2.1,
added

587. Section 2 of the Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5) is replaced by the following sections:

Function

“**2.** The function of the Board shall be to administer and implement the programs of the health insurance plan instituted by the

Health Insurance Act (R.S.Q., chapter A-29) and any other program entrusted to it by law or by the Government.

Functions

The Board shall, in particular, for such purposes,

(a) assume the cost of services and goods provided for under the programs;

(b) control the eligibility of persons to the programs, the remuneration paid to health professionals, and payments or reimbursements made, as the case may be, to establishments, the person dispensing the service or furnishing the goods or the person who received them;

(c) advise the Minister of Health and Social Services on any matter he refers to it and inform him of any problem or any matter which, in its opinion, warrants examination or action by that Minister, by another minister or by any interested body with regard to the administration or implementation of a program;

(d) organize and direct the operational research and assessment needed for proper administration and implementation of the programs;

(e) publish, subject to sections 63 to 68 of the Health Insurance Act, any information relating to:

i. its management, operational research and assessment activities;

ii. the nature, frequency, origin, destination, distribution and cost of insured services it has paid for; and

iii. the total and average remuneration of health professionals, by class and specialty, by region and by type of acts;

(f) inform the public of the possibilities of access to all services and goods it is empowered to pay and the conditions to be fulfilled to have access thereto;

(g) subject to sections 63 and 64 of the Health Insurance Act, inform persons who have benefited from health services of the name of the health professional, the establishment, the laboratory or of any person having furnished insured services to them, the dates on which they were furnished, the cost of each service received and the total sum thus paid for those services during a given fiscal year;

(h) establish and keep up to date, for the purposes of the Health Insurance Act, a register of health professionals and, subject to

section 63 of the Health Insurance Act, facilitate access to it by the Minister of Health and Social Services or his authorized representative for the purposes of the Health Insurance Act, the Hospital Insurance Act (R.S.Q., chapter A-28) or any other Act under the administration of the Minister;

(i) contribute, subject to the fifth paragraph of section 67 of the Health Insurance Act, to research in the fields of health and social services.

Recovery
of cost

"2.1 The Board shall recover, from the department or body concerned, the cost of services and goods it assumes under a program entrusted to it by law or by the Government, to the extent provided for under that program.

Recovery
of cost

The Board shall in particular recover from the Ministère de la Main-d'oeuvre et de la Sécurité du revenu

(a) the cost of the services and medications it has assumed under subparagraph *b* of the first paragraph, or the third, sixth and seventh paragraphs of section 3 of the Health Insurance Act on behalf of any person or any family eligible for a last resort assistance program under the Act respecting income security (R.S.Q., chapter S-3.1.1), as well as the corresponding administration costs, after any sums recovered under section 18 of the said Act have been deducted;

(b) the cost of the services, prostheses, orthopedic devices, apparatus, wheelchairs or other equipment it has assumed under subparagraph *c* of the first paragraph or the second and fifth paragraphs of section 3 of the Health Insurance Act for each person and each family eligible for a last resort assistance program under the Act respecting income security holding a claim booklet in effect issued under section 70 or 71.1 of the Health Insurance Act, as well as the corresponding administration costs, after any sums recovered under section 18 of the said Act have been deducted.

Recovery
of cost

The Board shall also recover from the Commission de la santé et de la sécurité du travail, in accordance with the Workmen's Compensation Act (R.S.Q., chapter A-3) and the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), the cost of the services it has assumed under the tenth paragraph of section 3 of the Health Insurance Act as well as the administration costs relating thereto."

c. R-5,
s. 7, am.

588. Section 7 of the said Act is amended

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

Composition **“7.** The Board shall consist of twelve members, including a president and a vice-president, appointed by the Government.

Vice-president The vice-president shall be designated by the Government from among the members.”;

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

Representa- “One of those members shall be appointed after consultation with
tion organizations representing the business community, one after
consultatio with organizations representing labour, two after
consultation with organizations representing consumers; three other
members, who must be health professionals within the meaning of the
Health Insurance Act, of whom one must be a general practitioner
and one a medical specialist, shall be appointed after consultation with
each body representing a class of health professionals having entered
into an agreement.”;

(3) by inserting, after the third paragraph, the following paragraph:

Members “Two other members shall be appointed from among the members
chosen from of the board of directors of an establishment referred to as an
directors institution in the Act respecting health services and social services
of institu- and amending various legislation and of a regional board instituted
tions under that Act.”

c. R-5, **589.** The said Act is amended by inserting, after section 7, the
ss. 7.1 and following sections:
7.2, added

Remunera- **“7.1** The Government shall fix the remuneration, social benefits
tion and other terms of employment of the president.

Remunera- **“7.2** The members of the Board, apart from the president, shall
tion not be remunerated except in such cases, on such conditions and to
such extent as the Government may determine.

Reimburse- They are however entitled to the reimbursement of expenses
ment of incurred in the performance of their duties, on the conditions and to
expenses the extent determined by the Government.”

c. R-5, **590.** Section 15 of the said Act is amended by replacing the word
s. 15, am. “Seven” in the first line of the first paragraph by the word “Six”.

c. R-5, **591.** The said Act is amended by inserting, after section 22.1,
s. 22.2, the following section:
added

Address of beneficiaries **“22.2** The Board may, for the purpose of keeping the beneficiaries’ files established under this Act and the Health Insurance Act up to date on a continuing basis, obtain from the Ministère de la Main-d’œuvre et de la Sécurité du revenu, from the Régie des rentes du Québec or from the Société de l’assurance automobile du Québec the addresses of beneficiaries of programs administered by them.”

c. R-5, ss. 24.1-24.4, added **592.** The said Act is amended by inserting, after section 24, the following sections:

Report of annual sums paid to physicians **“24.1** The Board must, not later than 15 October each year, produce a report showing the sums it has paid out to physicians in the course of the preceding fiscal year under the Health Insurance Act. The report must indicate, on the one hand, the proportion of budget variance between expenditures and estimates and on the other, the reasons for such variance.

Budgetary estimates **“24.2** The Board must, each year, submit its budgetary estimates for the next fiscal year.

Factors considered The estimates must take account of demographic evolution, the aging of the population and its state of health, the extent of service coverage and the content of agreements entered into under section 19 of the Health Insurance Act.

Information to general manager **“24.3** Every department, body, regional board or establishment must furnish the Board, at the request of its general manager, with any information needed for the purposes of sections 24.1 and 24.2.

Report and budgetary estimates **“24.4** For the purposes of section 19 of the Health Insurance Act and of section 431 of the Act respecting health services and social services and amending various legislation, the Board must transmit to the Minister of Health and Social Services the report produced by it pursuant to section 24.1 and the budgetary estimates established by it pursuant to section 24.2.”

c. R-5, s. 38, am. **593.** Section 38 of the said Act is amended by replacing the words and figure “the fourth and fifth paragraphs of section 2” in the fourth line of paragraph *a* by the word and figure “section 2.1”.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

c. S-5, title, replaced **594.** The title of the Act respecting health services and social services (R.S.Q., chapter S-5) is replaced by the following title: “An

Act respecting health services and social services for Cree and Inuit Native persons”.

CHAPTER II

TRANSITIONAL PROVISIONS

DIVISION I

FIRST BOARDS OF DIRECTORS OF PUBLIC INSTITUTIONS

Formation **595.** The first boards of directors of public institutions shall be formed in accordance with the provisions of this Act, subject to the particular provisions of this division.

Duty of the Minister The Minister is responsible for taking the necessary steps to ensure that boards of directors are formed as soon as possible after the establishment of the regional boards under section 339.

Powers exercised by health and social services councils **596.** The functions and powers conferred on a regional board under sections 119, 125, 127 and 128 shall be exercised by the health and social services council with regard to the territory it serves.

Election procedure determined by the Minister **597.** The election procedure which must be followed at a public meeting held under section 135 and the procedure for the election or appointment of certain members of boards of directors under section 137 shall be determined by regulation of the Minister. The regulation shall also provide for the procedure to be followed for the election or appointment of certain members pursuant to the special provisions of this division.

Functions exercised by health and social services council The Minister may, in such a regulation, entrust a health and social services council referred to in section 596 with functions related to the election or appointment procedure which would normally be exercised by the regional board.

Provisions not applicable A regulation made by the Minister under this section is not subject to sections 8 and 17 of the Regulations Act (R.S.Q., chapter R-18.1) as regards its publication and date of coming into force.

Date of election **598.** The Minister shall determine on what day of what month the elections and appointments provided for in sections 135 and 137 must take place.

Public meeting **599.** For the purpose of holding the public meeting which must be held under section 135, the population shall be invited to attend

by the board of directors formed under the Act respecting health services and social services (R.S.Q., chapter S-5).

Persons
considered
to be
elected

However, in the case of institutions referred to in any of sections 119 to 124, provided that each section concerns more than one institution, four persons elected by and from among the persons appointed by the Minister under paragraph *c* of sections 79 and 82 of the Act respecting health services and social services are considered to be the persons elected by the population for the purposes of paragraph 1 of section 129.

Persons
considered
to be
elected

Similarly, in the case of institutions referred to in section 125, four persons elected by and from among the members elected by users under paragraph *a* of section 81 and by the members appointed by the Minister under paragraph *c* of sections 81 and 82 of the Act respecting health services and social services are considered to be the persons elected by the population for the purposes of paragraph 1 of section 130. Two of those persons must however be members elected or appointed under paragraphs *a* and *c* of section 81 of the said Act and the remaining two members must be appointed under paragraph *c* of section 82 of the said Act.

Members of
users'
committee

600. The members of the beneficiaries' committee formed under the Act respecting health services and social services are considered to be the members of the users' committee of an institution for the purposes of paragraph 3 of both section 131 and section 132.

Persons
considered
to be
elected

In the case of institutions referred to in any of sections 119 to 125, two persons elected by and from among the persons elected under paragraph *a* of sections 79 and 82 of the Act respecting health services and social services are considered to be the persons elected for the purposes of paragraph 3 of section 129 or 130, as the case may be.

Designated
corporation

601. With regard to the composition of its first board of directors, every public institution whose board of directors is composed of members who were elected under paragraph *j* of section 79, paragraph *i* of section 81 or paragraph *j* of section 82 of the Act respecting health services and social services is deemed to be a corporation designated by the Minister under section 139.

More than
one designa-
ted corpora-
tion

Such elected members are considered to be the persons appointed under paragraph 4 of section 129, 130 or 132, as the case may be. However, for the purposes of paragraph 4 of each of sections 129 and 130 where more than one institution is deemed to be a corporation designated by the Minister, three persons shall be appointed, by and from among the elected members of those institutions.

602. The Minister shall exercise the power of appointment conferred on the regional board in the cases provided for in section 147.

603. The term of office of the members of the first boards of directors is extended, notwithstanding section 149, to the month of October of the year following the year of the second anniversary of the forming of those boards.

604. The term “regional board”, as used in paragraph 5 of section 150 and in the first paragraph of section 151 designates a health and social services council.

605. Any reference to a general or special provision of this Act in paragraphs 5 and 6 of section 150 is a reference to the corresponding provision of the Act respecting health services and social services.

606. For the purposes of this division, the provisions of sections 79 to 99, 540 to 544, 546, 547, 551, 553 and 620 are deemed to be in force.

However, every public institution which has been authorized to maintain a board of directors formed in accordance with its act of incorporation under the second paragraph of section 76 of the Act respecting health services and social services is deemed to be similarly authorized under section 553.

DIVISION II

FIRST REGIONAL ASSEMBLIES AND FIRST BOARDS OF DIRECTORS OF REGIONAL BOARDS

607. As soon as possible after the forming of the first boards of directors of public institutions, the first regional assemblies shall be formed in accordance with the provisions of this Act, subject to the particular provisions of this division.

608. A regulation made by the Minister under section 423 is not subject to sections 8 and 17 of the Regulations Act as regards its publication and date of coming into force.

609. The Minister shall exercise the power of designation conferred on the regional board by subparagraphs 2 and 3 of the first paragraph of section 421.

610. The term “regional board”, as used in paragraph 5 of section 424, designates a health and social services council.

Interpreta-
tion

611. Any reference to a general or special provision of this Act in paragraphs 5 and 6 of section 424 is a reference to the corresponding provision of the Act respecting health services and social services.

Terms of
office of
members of
regional
assemblies

612. The first members of the regional assembly shall remain in office, notwithstanding section 425, until reelected or replaced at the election that will be held after the month of October of the year following the year of the second anniversary of the forming of the first boards of directors of public institutions in accordance with the provisions of Division I.

Election
of first
regional
boards

613. The regional assemblies must, within 30 days of being formed, elect the members of the first boards of directors of the regional boards and designate their substitutes in accordance with the provisions of paragraphs 1 and 2 of section 419.

Cooptation

The Minister shall ensure that the cooptation of the members referred to in paragraph 2 of section 397 is completed as soon as possible.

DIVISION III

APPOINTMENT OF THE FIRST EXECUTIVE DIRECTORS

Appoint-
ment
of executive
director

614. Once the first board of directors of a public institution is formed, it must appoint the institution's executive director, subject, however, to the standards prescribed by regulation of the Government under section 507 and the provisions relating to the Centre de référence des directeurs généraux et des cadres.

Application

The same applies to the first board of directors of a regional board.

Selection of
executive
director

615. The Government may, in a regulation made pursuant to section 507, entrust to a health and social service council referred to in section 596 functions related to the procedure for the selection of an executive director which would normally be exercised by the regional board.

Provisions
not applica-
ble

A regulation made under this section is not subject to sections 8 and 17 of the Regulations Act as regards its publication and date of coming into force.

Interpreta-
tion

616. For the purposes of this division, the provisions of sections 160 to 164, 166 to 170, 174, 175, 176, 181, 197 to 201, the first paragraph of section 405, sections 406 to 413, 416 and 620 are deemed to be in force.

DIVISION IV

MISCELLANEOUS PROVISIONS

Regulatory
power

617. The Government may, by regulation, adopt any other transitional provisions allowing omissions to be rectified to ensure the application of this chapter as soon as possible after the institution of the regional boards under section 339.

Coming into
force of
regulations

Notwithstanding section 17 of the Regulations Act, every regulation made under this section shall come into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein. A regulation may, however, once published and if it so provides, apply from any date not prior to the date of institution of the regional boards.

Sums
required

618. The sums required for the carrying out of this chapter shall be determined by the Minister of Health and Social Services and must be taken out of the revenues appearing in the budget of each existing public institution and health and social services council, in the manner determined by the Minister.

Effect of
regulations
as regards
agreement
with phar-
macists

619. Notwithstanding section 20 of the Health Insurance Act as amended by section 567 of this Act, a regulation made under subparagraph *e.1* of the first paragraph of section 69 of the Health Insurance Act enacted by paragraph 1 of section 581 has no effect with regard to the agreement of 2 April 1988 between the Minister of Health and Social Services and the Association québécoise des Pharmaciens propriétaires.

Consultation

The Minister of Health and Social Services must consult the representative body in question before proposing to the Government that it adopt a regulation under the first paragraph.

CHAPTER III

FINAL PROVISIONS

c. S-5,
replaced
in part

620. This Act replaces the Act respecting health services and social services (R.S.Q., chapter S-5) except to the extent that it applies to the territory of the James Bay Cree health and social services council and the territory of the Kativik health and social services council.

Minister
responsible

621. The Minister of Health and Social Services is responsible for the administration of this Act.

Coming into
force

622. The provisions of this Act will come into force on the dates fixed by the Government, with the exception of the provisions of sections 119 to 147, 149 to 159 and 165, paragraph 1 of section 173, sections 193, 339, 341, 342 and 397 to 404, subparagraph 3 of the second paragraph of section 405, sections 414 and 418, paragraphs 1 and 2 of section 419, sections 420 to 430, 505 to 507, 521 to 530, 556 and 557, paragraphs 2 and 3 of section 558, sections 561, 562, 563 and 567, paragraph 1 of section 571, sections 576, 579 and 580, paragraph 7 of section 581, sections 585, 586, 587, 589, 591, 593, 595 to 619 and section 621, which come into force on 4 September 1991.

TABLE OF CONTENTS

	<i>Sections</i>
PART I:	OBJECT OF THE ACT AND RIGHTS OF USERS 1-78
TITLE I	OBJECT 1-3
TITLE II	RIGHTS OF USERS 4-52
CHAPTER I	GENERAL PROVISIONS 4-16
CHAPTER II	USER'S RECORD 17-28
CHAPTER III	USERS COMPLAINTS 29-78
Division I:	Examination by the institution 29-41
Division II:	Examination by the regional board 42-53
Division III:	Assistance by community organizations 54
Division IV:	Complaints commissioner 55-65
Division V:	User's record of complaint 66-67
Division VI:	Reports 68-71
CHAPTER IV	OTHER COMPLAINTS 72-76
CHAPTER V	POWERS OF SUPERVISION AND SUBROGATION 77-78
PART II:	PROVISION OF HEALTH SERVICES AND SOCIAL SERVICES 79-338
TITLE I	INSTITUTIONS 79-333
CHAPTER I	GENERAL PROVISIONS 79-99
CHAPTER II	FUNCTIONS 100-118
CHAPTER III	ORGANIZATION OF INSTITUTIONS 119-314
Division I:	Boards of directors of public institutions 119-181
	§ 1.— <i>Establishment</i> 119-128
	§ 2.— <i>Composition of the board</i> 129-156
	1. Mode of appointment of members 129-148
	2. Terms of office and qualifications of members 149-156
	§ 3.— <i>Operation</i> 157-169
	1. Chairman, vice-chairman and secretary 157-159
	2. Sitzings 160-164
	3. Reimbursement of expenses 165
	4. Documents and records 166-169
	§ 4.— <i>Powers and obligations of the board of directors</i> 170-181

CHAP. 42	<i>Health services and social services</i>	1991
Division II:	Administration of private institutions	182
Division III:	Human resources	183-259
	§ 1.— <i>Organization plan</i>	183-187
	§ 2.— <i>Head of clinical department</i>	188-192
	§ 3.— <i>Executive director</i>	193-201
	§ 4.— <i>Director of professional services</i>	202-205
	§ 5.— <i>Head of nursing</i>	206-208
	§ 6.— <i>Users' committee</i>	209-212
	§ 7.— <i>Council of physicians, dentists and pharmacists</i>	213-218
	§ 8.— <i>Council of nurses</i>	219-225
	§ 9.— <i>Multidisciplinary council</i>	226-230
	§ 10.— <i>Staff</i>	231-236
	§ 11.— <i>Physicians, dentists and pharmacists</i>	237-259
Division IV:	Material and financial resources	260-300
	§ 1.— <i>Rules relating to material resources</i>	260-267
	§ 2.— <i>Gifts, legacies and subsidies</i>	268-277
	1. Acceptance	268-270
	2. Foundations	271-277
	§ 3.— <i>Rules relating to financial resources</i>	278-300
	1. Provisions applicable to all institutions	278-281
	2. Provisions applicable to public institutions	282-297
	3. Provisions applicable to private institutions under agreement	298-300
Division V:	Intermediate and family-type resources	301-314
	§ 1.— <i>Intermediate resources</i>	301-309
	§ 2.— <i>Family-type resources</i>	310-314
CHAPTER IV	RULES APPLICABLE TO THE CONSTITUTING INSTRUMENT OF INSTITUTIONS	315-333
Division I:	General provisions	315-316
Division II:	Incorporation of a public institution	317-322
Division III:	Amalgamation and conversion	323-329
Division IV:	Integration	330-332
Division V:	Dissolution	333
TITLE II	COMMUNITY ORGANIZATIONS	334-338
PART III:	COORDINATION, CONTROL AND REGULATION OF HEALTH SERVICES AND SOCIAL SERVICES	339-520
TITLE I	REGIONAL INSTITUTIONS	339-430

CHAPTER I	REGIONAL HEALTH AND SOCIAL SERVICES BOARDS	339-417
Division I:	Status and objects	339-342
Division II:	Special functions	343-385
	§ 1.— <i>Functions in respect of the population and the rights of users</i>	343-345
	§ 2.— <i>Functions relating to priorities in matters of health and welfare</i>	346
	§ 3.— <i>Functions relating to the organization of services</i>	347-349
	§ 4.— <i>Functions relating to the allocation of financial resources</i>	350-351
	§ 5.— <i>Functions relating to the coordination of health services and social services</i>	352-370
	§ 6.— <i>Functions relating to public health</i>	371-375
	§ 7.— <i>Functions relating to human, material and financial resources management</i>	376-385
Division III:	Operating budget and reports	386-396
Division IV:	Board of directors	397-413
	§ 1.— <i>Composition, tenure and qualifications of members</i>	397-401
	§ 2.— <i>Chairman, vice-chairman and secretary</i>	402-404
	§ 3.— <i>Functions of the board of directors</i>	405-407
	§ 4.— <i>Operation</i>	408-413
Division V:	Executive director and other members of the managerial staff	414-417
CHAPTER II	REGIONAL ASSEMBLIES	418-430
TITLE II	THE MINISTER	431-496
CHAPTER I	MINISTERIAL FUNCTIONS	431-436
CHAPTER II	PERMITS	437-453
Division I:	Issue and renewal	437-443
Division II:	Obligations of permit holders	444-445
Division III:	Suspension, cancellation and refusal of renewal	446-451
Division IV:	Operation without a permit	452-453
CHAPTER III	ACCREDITATION OF CERTAIN PRIVATE RESOURCES FOR FUNDING PURPOSES	454-462
CHAPTER IV	FUNDING OF SERVICES	463-467
CHAPTER V	FUNDING OF OTHER SERVICES	468-477

CHAP. 42	<i>Health services and social services</i>	1991
CHAPTER VI	MATERIAL AID AND ASSISTANCE TO PERSONS	478-484
CHAPTER VII	REGULATIONS	485-488
CHAPTER VIII	SUPERVISORY POWERS	489-496
Division I:	Inspection	489
Division II:	Provisional administration	490-496
TITLE III	THE GOVERNMENT	497-520
CHAPTER I	ADMINISTRATIVE MEASURES	497-504
CHAPTER II	REGULATIONS	505-520
Division I:	Administration of this Act	505-511
Division II:	Standards relating to users' contributions	512-520
PART IV:	CENTRE DE RÉFÉRENCE DES DIRECTEURS GÉNÉRAUX ET DES CADRES	521-530
PART V:	PENAL PROVISIONS	531-539
PART VI:	CONTINUANCE OF LEGAL PERSONS	540-555
CHAPTER I	PUBLIC INSTITUTIONS	540-553
CHAPTER II	HEALTH AND SOCIAL SERVICES COUNCILS	554-555
PART VII:	AMENDING, TRANSITIONAL AND FINAL PROVISIONS	556-622
CHAPTER I	LEGISLATIVE AMENDMENTS	556-594
	HEALTH INSURANCE ACT	556-586
	ACT RESPECTING THE RÉGIE DE L'ASSURANCE-MALADIE DU QUÉBEC	587-593
	ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES	594
CHAPTER II	TRANSITIONAL PROVISIONS	595-619
Division I:	First boards of directors of public institutions	595-606
Division II:	First regional assemblies and first boards of directors of regional boards	607-613
Division III:	Appointment of the first executive directors	614-616
Division IV:	Miscellaneous provisions	617-619
CHAPTER III	FINAL PROVISIONS	620-622