

1981, chapter 22

AN ACT TO AMEND VARIOUS LEGISLATION IN THE FIELD OF HEALTH AND SOCIAL SERVICES

Bill No. 27

Introduced by Mr Pierre Marc Johnson

First reading: 19 November 1981

Second reading: 15 December 1981

Third reading: 19 December 1981

Assented to: 19 December 1981

Coming into force: 19 December 1981, except ss. 1, 4, 7 to 11, 14 to 28, par. 1, 3, 4, 6 of s. 24, ss. 25 to 29, 33, 35, 36, 40, 42, ss. 18.1, 18.2, 18.5 of chapter S-5 enacted by s. 43, ss. 46, 49, 52 to 55, 57, 59 to 82, 86 to 91, 94 to 96, 100, 102, 3rd par. of s. 113 and s. 116 which will come into force by proclamation of the Government

Acts amended:

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

Act respecting the Ministère des affaires sociales (R.S.Q., chapter M-23)

Medical Act (R.S.Q., chapter M-9)

Dental Act (R.S.Q., chapter D-3)

Pharmacy Act (R.S.Q., chapter P-10)

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

Public Health Protection Act (R.S.Q., chapter P-35)





CHAPTER 22

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

[Assented to 19 December 1981]

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

R.S.Q.,
c. A-29,
s. 3, am.

1. Section 3 of the Health Insurance Act (R.S.Q., chapter A-29), amended by section 2 of chapter 1 and section 273 of chapter 63 of the statutes of 1979, is again amended by replacing the ninth and tenth paragraphs by the following paragraphs:

Insured
services.

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

Adminis-
trative
task.

The Board also assumes, in accordance with the provisions of an agreement, the cost of the services required of a professional in the field of health by an establishment or a regional council within the meaning of the Act respecting health services and social services to carry out administrative tasks related to the organization and operation of the services provided in such establishment or for such regional council.

Specialist
in training.

Any service furnished by a physician who is in a period of training to obtain his first specialist's certificate is not an insured service unless it is furnished in an establishment other than that where he is in a period of training or for a regional council. Where he furnishes a service that is not an insured service within the meaning of this section to a person residing in Québec, he must inform that person, in the cases and form prescribed, that the service is not an insured service.”

R.S.Q.,
c. A-29,
s. 4, am.

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

List of
medica-
tions.

“4. The Minister shall prepare a list of the medications of which the Board assumes the cost under the third paragraph of section 3; such list indicates in particular the generic name, brand name, manufacturer’s name, the price or method of fixing the price of each medication and the maximum amount, where such is the case, of which the Board assumes payment in such cases, conditions or circumstances as it may determine.”

R.S.Q.,
c. A-29,
s. 15, am.

3. Section 15 of the said Act is amended by replacing the fourth and fifth paragraphs by the following paragraphs:

Amounts
less than
\$5.

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

Excess
cost.

The first paragraph does not apply to a contract covering the excess cost of insured services rendered outside Canada or the excess cost of any medication of which the Board assumes payment.”

R.S.Q.,
c. A-29,
s. 19, am.

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

Different
remuner-
ation.

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

Different
remuner-
ation.

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

Insuffi-
ciently pro-
vided terri-
tories.

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

Remuner-
ation fixed
by
order.

Failing an agreement determining the different remuneration contemplated in the third paragraph, the Government may fix such remuneration by order published in the *Gazette officielle du Québec*; this order takes the place of an agreement. It may similarly determine the number of years of practice of a physician during which such remuneration applies, but that number must not exceed three years. Any order which reduces the conditions of remuneration applicable to physicians during the first years of practice of their profession or speciality applies only to the

physician who begins to practise his profession or speciality after the date of the coming into force of the order.

Temporary
special
agreement.

The Minister may, as an experiment and for a fixed period, make a special agreement with the professionals of a clinical department in an establishment in view of the application to all such professionals of a mode of remuneration provided for in an agreement made under the first paragraph. The agreement requires the prior consent of the health professionals concerned, the board of directors of the establishment and the body representing the health professionals concerned.

Temporary
special
agreement.

If the reduction of medical services in a territory endangers public health, the Minister may, to allow medical services to be adequately furnished in an establishment in the territory, make, for a fixed period, a special agreement with a health professional."

R.S.Q.,
c. A-29,
s. 19.1,
added.

5. The said Act is amended by inserting, after section 19, the following section:

Interns and
resident
physicians.

"19.1 With the approval of the Government, the Minister may make with a body representing the interns or resident physicians an agreement on the conditions of employment applicable to the interns or resident physicians in period of training in establishments affiliated with a university.

Applica-
bility.

The eighth and ninth paragraphs of section 19 apply to the agreement."

R.S.Q.,
c. A-29,
s. 22, am.

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

(1) by adding, at the end of the fourth paragraph, the following: "However, a pharmacist may exact the difference between the price of the medication indicated on the list and the amount whose payment is assumed by the Board.";

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

Payment
prohibited.

"He shall not exact or receive payment from the Board or a beneficiary, as the case may be, for a service that has not been furnished, that he has not furnished in person, that he has not furnished in conformity with an agreement or that he has falsely described.";

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

Offence
and pen-
alty.

"A professional in the field of health who contravenes the fourth, fifth or sixth paragraph, and every person who contravenes the seventh paragraph, is guilty of an offence and liable, on

summary proceedings, in addition to costs, to a fine of not less than \$1 000 nor more than \$2 000 in the case of a first offence, and of not less than \$2 000 nor more than \$5 000 for any subsequent offence within two years."

R.S.Q.,
c. A-29,
c. 22.1, am. **7.** Section 22.1 of the said Act is amended by adding, after the first paragraph, the following paragraph:

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

R.S.Q.,
c. A-29,
s. 22.2, am. **8.** Section 22.2 of the said Act is amended
(1) by replacing the first paragraph by the following paragraph:

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

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

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

R.S.Q.,
c. A-29,
s. 31, am. **9.** Section 31 of the said Act is amended by replacing the second paragraph by the following paragraph:

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

R.S.Q.,
c. A-29,
s. 38, re-
placed. **10.** Section 38 of the said Act, amended by section 26 of chapter 1 of the statutes of 1979, is replaced by the following section:

Prescrip-
tion of re-
course. "**38.** Any recourse against the Board, by the application of this Act, a regulation or an agreement, for the recovery of

remuneration or the payment or reimbursement of the cost of insured services is prescribed by six months from the decision of the Board giving rise thereto. The period ceases to run while a dispute resulting from the decision is referred to a council of arbitration.

Prescription of recourse.

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

R.S.Q.,
c. A-29,
s. 42, am.

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

Continuance in office.

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

R.S.Q.,
c. A-29,
s. 46, am.

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

Quorum.

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

R.S.Q.,
c. A-29,
s. 52.1,
added.

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

Interest.

"**52.1** Sums owing to the Board pursuant to this Act bear interest at the rate fixed under section 28 of the Act respecting the Ministère du revenu (R.S.Q., chapter M-31) from the forty-fifth day after the date on which the Board so notifies the debtor.

Recovery.

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

R.S.Q.,
c. A-29,
s. 54, re-
placed.

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

Arbitration.

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

Council of arbitration.

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

R.S.Q.,
c. A-29,
s. 54.1,
added.

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

Clerk.

"**54.1** The Minister shall appoint the clerk of the council of arbitration. The clerk is remunerated by the Board."

R.S.Q.,
c. A-29,
s. 58, re-
placed.

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

Summon-
ing of
witnesses.

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

R.S.Q.,
c. A-29,
s. 61, am.

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

Transmis-
sion of the
award.

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

R.S.Q.,
c. A-29,
s. 62, re-
placed.

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

Effect of
award and
homolog-
ation.

“62. The award of a council of arbitration binds the parties; it shall be homologated, at the request of one of the parties, by the Superior Court or the Provincial Court according to their respective jurisdictions, and the judgment is then executory under the authority of the court which homologated the award.”

R.S.Q.,
c. A-29,
s. 64, am.

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

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

Statement
to be sent.

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

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

R.S.Q.,
c. A-29,
s. 65, am.

20. Section 65 of the said Act is amended

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

Disclosure
of informa-
tion.

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

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

Disclosure
of informa-
tion.

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

R.S.Q.,
c. A-29,
s. 66.1,
added.

21. The said Act is amended by adding, after section 66, the following section:

Group
practice
profile.

"66.1 The Board shall send to the Minister or to the council of physicians and dentists of an establishment, upon request, the group practice profile of the health professionals of an establishment or of those who practise the same kind of activity in the establishment. That information must contain no mention of the surname, given name or address of any professional.

Individual
practice
profile.

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

Regulated
informa-
tion.

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

R.S.Q.,
c. A-29,
s. 67, am.

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

Anony-
mous
informa-
tion.

"It does not prohibit the disclosure to the Minister of information on insured services furnished by territory or by kind of activity in a territory or establishment. The information must contain no mention of the surname, given name or address of any professional."

R.S.Q.,
c. A-29,
s. 68.1,
added.

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

Informa-
tion on
remunera-
tion.

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

Transmis-
sion of in-
formation
to the Min-
ister.

The Board shall transmit the information to the Minister on request."

R.S.Q.,
c. A-29,
s. 69, am.

24. Section 69 of the said Act is amended

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

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

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

"(j) prescribe, beyond the amount whose payment is assumed by the Board in conformity with section 4, the amount or the mode of fixing the fees which may be required from beneficiaries by a pharmacist, the terms and conditions under which they are to be collected and the cases of total or partial exemption, with or without conditions;";

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

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

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

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

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

"(u) determine the conditions required for the cost of medications to be assumed by the Board.";

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

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

Publication
of draft
regula-
tions.

R.S.Q.,
c. A-29,
s. 73, am.

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

Coming
into force.

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

R.S.Q.,
c. A-29,
s. 74, re-
placed.

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

Unlawful
use of serv-
ices.

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

Unlawful
use of serv-
ices.

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

Offence
and pen-
alty.

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

R.S.Q.,
c. A-29,
s. 75, re-
placed.
Offence
and pen-
alty.

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

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

Offence
and pen-
alty.

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

R.S.Q.,
c. A-29,
s. 76, re-
placed.

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

Offence
and pen-
alty.

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

R.S.Q.,
c. A-29,
s. 77, am.

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

Profes-
sional
guilty.

“77. Where a professional in the field of health prosecuted under the Criminal Code is found guilty of an infraction or an indictable offence in connection with a claim made to the Board or paid by it, the Board shall, upon pronouncement of final judgment, issue a written order whereby that professional is considered to be a non-participating professional for a period of six months in the case of a first conviction and one year in the case of a subsequent conviction.”

R.S.Q.,
c. A-29,
s. 88, am.

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

Territory
and period.

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

R.S.Q.,
c. A-29,
ss. 96-98,
103, re-
placed.

Qualifica-
tions.

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

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

(1) he is not domiciled in Québec;

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

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

Juries.

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

Examina-
tions.

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

Appoint-
ment of
members.

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

Report of
examination.

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

Payment
by Board.

"103. The amount of research scholarships granted by the Minister for each fiscal year shall be paid to the Minister by the Board up to a total amount equal to 0.4% of the total remuneration paid to the professionals in the field of health during the preceding fiscal year; the Board shall, in its annual report, make a separate statement of the sums thus paid."

R.S.Q.,
c. A-29,
s. 104, am.

32. Section 104 of the said Act is amended by replacing the words "Conseil de la recherche en santé du Québec" in the first line by the word "fund".

R.S.Q.,
c. A-29,
s. 104.1,
added.

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

"104.1 This Act is of public order."

R.S.Q.,
c. M-23,
s. 11, re-
placed,
s. 11.1
added.

34. Section 11 of the Act respecting the Ministère des affaires sociales (R.S.Q., chapter M-23) is replaced by the following sections:

Health ad-
visory
councils.

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

Delegation
of powers.

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

President.

The Minister shall then appoint the president of the fund."

R.S.Q.,
c. M-9,
s. 18.1,
added.

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

Informa-
tion sent to
council of
physicians
and den-
tists.

"18.1 The Bureau shall, on request or on its own initiative, send the information obtained by a committee of inquiry, the professional inspection committee, the syndic or the assistant syndics, to the council of physicians and dentists of the establishment to

which a physician contemplated in an inquiry is attached, that it believes useful to the exercise of the functions of the council.”

R.S.Q.,
c. D-3,
s. 18.1,
added.

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

Information sent to council of physicians and dentists.

“18.1 The Bureau shall, on request or on its own initiative, send the information obtained by a committee of inquiry, the professional inspection committee, the syndic or the assistant syndics, to the council of physicians and dentists of the establishment to which a dentist contemplated in an inquiry is attached, that it believes useful to the exercise of the functions of the council.”

R.S.Q.,
c. P-10,
s. 8.1,
added.

37. The Pharmacy Act (R.S.Q., chapter P-10) is amended by inserting, after section 8, the following section:

Information sent to council of physicians and dentists.

“8.1 The Bureau shall, on request or on its own initiative, send the information obtained by the professional inspection committee, the syndic or the assistant syndics, to the council of physicians and dentists to which a pharmacist contemplated in an inquiry is attached, that it believes useful to the exercise of the functions of the council.”

R.S.Q.,
c. P-10,
s. 21, am.

38. Section 21 of the said Act is amended by replacing the second paragraph by the following paragraph:

Medication with same generic name.

“He may, however, provided that he notifies the client and mentions his substitution in the register, substitute for the prescribed medication a medication whose generic name is the same, unless indication to the contrary is made in writing by the person writing the prescription.”

R.S.Q.,
c. R-5,
s. 25, am.

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

Annual report.

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

R.S.Q.,
c. S-5,
s. 1, am.

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

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

“establishment”;

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

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

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

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

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

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

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

R.S.Q., s. S-5, s. 10, am. **41.** Section 10 of the said Act is amended by replacing paragraph *b* by the following paragraph:

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

R.S.Q., c. S-5, s. 18, am. **42.** Section 18 of the said Act is amended by replacing paragraph *e* by the following paragraphs:

“(e) to promote the exchange, the elimination of duplication and the better distribution of services in the region and the setting up of common services for several establishments;

“(e.1) to act as exclusive representative of the establishments or a category of establishments in the whole or part of its region

i. for the supply in common of such goods as it determines, except the classes of goods indicated by the Minister;

ii. for the supply of common services in the cases and on the conditions determined by the Minister;”.

R.S.Q., c. S-5, ss. 18.1-18.5, added. **43.** The said Act is amended by inserting, after section 18, the following sections:

Admission
and trans-
fer policies.

“18.1 Where a regional council is designated for that purpose by regulation, the hospital centres and the reception centres of its region shall submit to it, for approval, their criteria on admissions and their policies on transfers of recipients in the cases and on the conditions determined by regulation.

Admission
and trans-
fer policies.

Notwithstanding the first paragraph, the Minister may require a hospital centre or a reception centre that he designates for that purpose because of its special vocation to submit to him its criteria on admissions and its policies on transfers of recipients. The Minister shall in such a case obtain the opinion of every regional council concerned. Once approved by the Minister, such criteria and policies bind the regional councils and establishments concerned.

Daily re-
port.

“18.2 A regional council designated by regulation may, to keep in daily touch with the situation in the public establishments and the private establishments referred to in sections 176 and 177, require statistical information from such establishments on the number and nature of registrations and admissions of recipients, on the daily occupancy rate of the establishment and on transfers and transport by ambulance of recipients.

Coordina-
ting centre.

“18.3 The Conseil de la santé et des services sociaux de la région de Montréal-Métropolitain may, to distribute emergency cases, set up a coordinating centre with which every holder of an ambulance operating permit within the meaning of the Public Health Protection Act (R.S.Q., chapter P-35) must register.

Powers.

For that purpose, it has the following exclusive powers:

(1) to establish criteria on admissions and policies on transfers of recipients to public establishments and the private establishments referred to in sections 176 and 177;

(2) to ensure that adequate operating standards for emergency services are adopted in such establishments or, if they are not, to fix such standards;

(3) to ensure that such establishments adopt and apply, in respect of the use and allocation of beds, standards in conformity with the requirements of an adequate distribution of emergency cases or, if they do not, to fix such standards;

(4) to devise and set up a regional information system to keep in daily touch with the situation in such establishments in respect of the number and nature of registrations and admissions of recipients and their transfer and transport by ambulance;

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

(6) to receive calls requesting ambulance service from the population of its territory and from such establishments and to distribute the requests among the holders of ambulance service permits.

Binding decisions.

"18.4 An establishment is bound by a decision of a regional council taken under paragraph *d*, *e.1* or *g* of section 18 or section 18.2 or 18.3.

Restriction.

In no case may the regional council exercise the function vested by paragraph *e.1* of section 18 except where it considers it advantageous to all the establishments bound by its decision.

Representative body.

"18.5 Notwithstanding paragraph *e.1* of section 18, the Conseil de la santé et des services sociaux de la région de Québec may, with the authorization of the Minister, to the extent and on the conditions that he determines, give to Partagec Inc., a non-profit corporation incorporated by letters patent issued on 8 July 1966 under Part III of the Companies Act, the mandate to carry out on its behalf, in the whole or part of the region, its function as exclusive representative of the establishments or a category of establishments for the supply in common of goods and services."

R.S.Q.,
c. S-5,
s. 24, am.

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

Board of directors.

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

Election.

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

Appointment.

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

Election.

One member shall be elected for three years by the general managers of the establishments of the region from among their number.

Appointment.

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

(a) one by the hospital centres;

(b) one by the councils of physicians and dentists constituted in the establishments and chosen among their members;

(c) one by the local community service centres;

(d) one by the social service centres;

(e) one by the reception centres;

(f) one by the universities;

(g) one by the general and vocational colleges;

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

Appoint-
ment by
Minister.

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

Restric-
tion.

No member of a regional council elected or appointed under the second or third paragraph or subparagraph *f*, *g* or *h* of the fifth paragraph may hold employment or practise a profession in an establishment."

R.S.Q.,
c. S-5,
s. 24.1,
added.

45. The said Act is amended by inserting, after section 24, the following section:

Board of di-
rectors.

"24.1 The powers of the Conseil de la santé et des services sociaux de la région de Montréal-Métropolitain shall be exercised by a board of eighteen directors.

Additional
members.

In addition to the members provided for in section 24, the Conseil shall include a second member appointed by the hospital centres, a second member appointed by the social service centres and a fourth member appointed by the Minister after consultation with the most representative socio-economic groups."

R.S.Q.,
c. S-5,
s. 25, re-
pealed.

46. Section 25 of the said Act is repealed.

R.S.Q.,
c. S-5,
s. 26, re-
placed.

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

Consecu-
tive terms.

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

R.S.Q.,
c. S-5,
s. 27, re-
placed.

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

Travel ex-
penses.

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

Compensa-
tion.

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

R.S.Q.,
c. S-5,
S. 33, re-
pealed.

49. Section 33 of the said Act is repealed.

R.S.Q.,
c. S-5,
s. 37, re-
placed.
Exclusive
duties.

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

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

Additional
duties.

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

R.S.Q.,
c. S-5,
s. 38, am.

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

R.S.Q.,
c. S-5,
s. 64, am.

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

R.S.Q.,
c. S-5,
s. 70, re-
placed.

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

Clinical de-
partments
and serv-
ices.

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

Approval
by the re-
gional
council.

The board of directors of a hospital centre must, after consultation with the council of physicians and dentists and, in the case of a hospital centre affiliated with a university, after consultation with the university to which it is affiliated, send such part of the organization plan to the regional council for approval.

Review.

That part of the organization plan must be reviewed at least every three years.

Approval.

At the request of the Minister, a regional council must postpone its approval until authorized by the Minister.

Commu-
nity health
depart-
ment.

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

R.S.Q.,
c. S-5,
s. 70.1,
added.

54. The said Act is amended by inserting, after section 70, the following section:

Authori-
zation of
new serv-
ices.

“70.1 No hospital centre may offer new services of such a nature as to necessitate teams of professionals or very highly specialized equipment determined by regulation before obtaining

authorization in writing from the Minister. Before granting such authorization, the Minister shall consult the regional council concerned."

R.S.Q.,
c. S-5,
ss. 71.1-
71.3,
added.

Duties of
depart-
ment
heads.

55. The said Act is amended by inserting, after section 71, the following sections:

"71.1 Under the authority of the director of professional services of the hospital centre, the head of a clinical department shall

(1) coordinate, subject to section 112, the professional activities of the physicians and dentists in his department and, to the extent provided in the organization plan of the hospital centre, manage the resources of his department;

(2) devise, for his department, rules governing the use of the resources of the hospital centre; the rules may provide administrative sanctions, in particular, to limit or suspend the right of a physician or dentist to use the resources of the hospital centre;

(3) inform, where such is the case, the director of professional services and the council of physicians and dentists of any failure by a physician or dentist of his department to comply with the rules governing the use of the resources;

(4) see to the distribution of medical and dental care in his department.

Rules.

The rules provided for in subparagraph 2 of the first paragraph come into force on approval by the board of directors, which shall obtain prior advice from the council of physicians and dentists.

Duties of
depart-
ment
heads.

"71.2 Under the authority of the council of physicians and dentists, the head of a clinical department shall

(1) supervise the manner in which medicine and dentistry are practised in his department;

(2) devise, for his department, rules governing medical and dental care which take into account the necessity of providing adequate services to recipients and the organization of the resources available in the establishment.

Council of
physicians
and den-
tists.

If there is no head of the clinical department, the responsibilities provided for in the first paragraph are exercised by the council of physicians and dentists.

Rules.

The rules contemplated in subparagraph 2 of the first paragraph are submitted to the board of directors, which may grant or refuse its approval after obtaining the advice of the council of physicians and dentists.

Modalities. **"71.3** The responsibilities of the head of a clinical department described in sections 71.1 and 71.2 are exercised according to such modalities as may be determined by regulation."

R.S.Q.,
c. S-5,
s. 72, re-
placed. **56.** Section 72 of the said Act is replaced by the following section:

Authori-
zation re-
quired. **"72.** No person may, without prior consultation with the regional council concerned and prior authorization of the Government,

(1) acquire, construct, alter or demolish an immovable for the purposes of a public establishment or a private establishment contemplated in sections 176 and 177;

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

(3) cease to operate an establishment.

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

Authori-
zation by
the re-
gional
council. In no case may a public establishment or a private establishment referred to in sections 176 and 177 take or grant a lease on an immovable required for the pursuit of its objects without the written authorization of the regional council concerned."

R.S.Q.,
c. S-5,
s. 72.1, re-
pealed. **57.** Section 72.1 of the said Act is repealed.

R.S.Q.,
c. S-5,
s. 75, re-
placed. **58.** Section 75 of the said Act is replaced by the following section:

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

R.S.Q.,
c. S-5,
s. 77, am. **59.** Section 77 of the said Act is amended by replacing the first and second paragraphs by the following paragraphs:

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

Users un-
der 18
years of
age. When a user is under 18 years of age, his right to vote shall be exercised by one of his parents. However, no person may vote

more than once as such, and when one parent exercises such right to vote, the other parent shall enjoy no right to vote as such, irrespective of the number of their children having received services."

R.S.Q.,
c. S-5,
s. 78, re-
placed.

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

Adminis-
tration of
local com-
munity
service
centres.

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

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

(b) one person appointed in writing by the regional council concerned and chosen among the members on the recommendation of the voluntary bodies of the region working, in the territory served by the centre, in the field of health and social services and recognized as such by the regional council;

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

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

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

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

(g) one person elected by the board of directors of the hospital centre to which the local community service centre is bound by a contract of professional services referred to in section 124 or, if there are several, elected jointly by the boards of directors of such centres or, if there are none, elected jointly by the boards of directors of the hospital centres situated in the territory of the community health department which serves the local community service centres;

(h) one person elected by the board of directors of the reception centre to which the local community service centre is bound by a contract of professional services referred to in section 124 or, if there are several, elected jointly by the boards of directors of such centres or, if there are none, elected jointly by the boards of

directors of the reception centres situated in the territory of the community health department which serves the local community service centre;

(i) one person elected by the board of directors of the social service centre to which the local community service centre is bound by a contract of professional services referred to in section 124 or, if there are several, elected jointly by the boards of directors of such centres;

(j) the general manager of the centre."

R.S.Q.,
c. S-5,
s. 79, re-
placed.

Adminis-
tration of
hospital
centres.

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

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

(a) in a hospital centre for extended care, two persons elected by the recipients' committee and chosen among the members of such committee; in another hospital centre having a recipients' committee, one person elected by such committee and chosen among its members;

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

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

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

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

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

(g) one person elected by the board of directors of the local community service centre to which the hospital centre is bound by a contract of professional services referred to in section 124 or, if there are several, elected jointly by the boards of directors of such centres or, if there are none, elected jointly by the boards of directors of the local community service centres situated in the territory of the community health department which serves the hospital centre;

(h) one person elected by the board of directors of the reception centre to which the hospital centre is bound by a contract of professional services referred to in section 124 or, if there are several, elected jointly by the boards of directors of such centres or, if there are none, elected jointly by the boards of directors of the reception centres situated in the territory of the community health department which serves the hospital centre;

(i) one person elected by the board of directors of the social service centre to which the hospital centre is bound by a contract of professional services referred to in section 124 or, if there are several, elected jointly by the boards of directors of such centres;

(j) in the case of a hospital centre whose immoveable assets are owned by a non-profit corporation other than a corporation constituted under this Act, three persons elected by the members of such corporation who do not hold employment or practise their profession in the hospital centre;

(k) in the case of an establishment affiliated with a university, one person appointed by the university and another person elected by the interns and resident physicians of the centre;

(l) the general manager of the centre."

R.S.Q.,
c. S-5,
s. 80, re-
pealed.

62. Section 80 of the said Act is repealed.

R.S.Q.,
c. S-5,
ss. 81, 82,
replaced,
s. 82.1,
added.

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

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

Adminis-
tration of
social serv-
ice centres.

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

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

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

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

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

(f) one person elected by the board of directors of the local community service centre to which the social service centre is bound by a contract of professional services referred to in section 124 or, if there are several, elected jointly by the boards of directors of such centres or, if there are none, elected jointly by the boards of directors of the local community service centres situated in the territory served by the social service centre;

(g) one person elected by the board of directors of the reception centre to which the social service centre is bound by a contract of professional services referred to in section 124 or, if there are several, elected jointly by the boards of directors of such centres or, if there are none, elected jointly by the boards of directors of the reception centres situated in the territory served by the social service centre;

(h) one person elected by the board of directors of the hospital centre to which the social service centre is bound by a contract of professional services referred to in section 124 or, if there are several, elected jointly by the boards of directors of such centres or, if there are none, elected jointly by the boards of directors of the hospital centres situated in the territory served by the social service centre;

(i) in the case of a social service centre maintained by a corporation contemplated in paragraph *b* of section 10, three persons elected by the members of such corporation who do not hold employment or practise their profession in that centre;

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

(k) the general manager of the centre.

Adminis-
tration of
reception
centres.

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

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

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

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

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

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

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

(g) one person elected by the board of directors of the local community service centre to which the reception centre is bound by a contract of professional services referred to in section 124 or, if there are several, elected jointly by the boards of directors of such centres or, if there are none, elected jointly by the boards of directors of the local community service centres situated in the territory of the community health department which serves the reception centre;

(h) one person elected by the board of directors of the hospital centre to which the reception centre is bound by a contract of professional services referred to in section 124 or, if there are several, elected jointly by the boards of directors of such centres or, if there are none, elected jointly by the boards of directors of the hospital centres situated in the territory of the community health department which serves the reception centre;

(i) one person elected by the board of directors of the social service centre to which the reception centre is bound by a contract of professional services referred to in section 124 or, if there are several, elected jointly by the boards of directors of such centres;

(j) in the case of a reception centre whose immoveable assets are owned by a non-profit corporation other than a corporation constituted under this Act, three persons who are elected by the members of that corporation and who do not hold employment or practise their profession in the centre;

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

(l) the general manager of the centre.

“contract of professional services”.

“82.1 For the purposes of the composition of the boards of directors of the establishments, “contract of professional services” means a contract made between establishments of the same region.”

R.S.Q.,
c. S-5,
s. 82.2,
added.

64. The said Act is amended by inserting, after section 82.1, the following section:

Term of office.

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

R.S.Q.,
c. S-5,
s. 84, am.

65. Section 84 of the said Act is amended

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

Triennial meeting.

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

(2) by striking out the third paragraph.

R.S.Q.,
c. S-5,
s. 85, am.

66. Section 85 of the said Act is amended by replacing the second paragraph by the following paragraph:

First elections or appointments.

“The first elections or appointments of members to the boards of directors of establishments established after the date of the coming into force of this section are held at the time prescribed for the election or appointment of the members of establishments of the same category.”

R.S.Q.,
c. S-5,
s. 86, am.

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

R.S.Q.,
c. S-5,
s. 87, am.

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

R.S.Q.,
c. S-5,
s. 90, re-placed.

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

Loss of qualifications.

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

R.S.Q.,
c. S-5,
s. 91, am.

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

Vacancy.

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

Vacancy.

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

R.S.Q.,
c. S-5,
s. 93, am.

71. Section 93 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

Exclusive
duties. "However, neither the president nor the vice-president may hold employment in the establishment."

R.S.Q.,
c. S-5,
s. 97, re-
placed. **72.** Section 97 of the said Act is replaced by the following section:

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

R.S.Q.,
c. S-5,
s. 98, am. **73.** Section 98 of the said Act is amended by striking out the words "or a functional rehabilitation centre" in the first and second lines of the first paragraph.

R.S.Q.,
c. S-5,
s. 99, am. **74.** Section 99 of the said Act is amended by striking out the words ", other than a physician or dentist," in the fourth line of the second paragraph.

R.S.Q.,
c. S-5,
s. 104, am. **75.** Section 104 of the said Act is amended by replacing the third paragraph by the following paragraphs:

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

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

More than
one estab-
lishment. A person may be general manager of more than one public establishment if the boards of directors of such establishments consent to it."

R.S.Q.,
c. S-5,
s. 105, am. **76.** Section 105 of the said Act is amended by adding, after paragraph *f*, the following paragraphs:

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

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

R.S.Q.,
c. S-5,
s. 111, re-
placed. **77.** Section 111 of the said Act is replaced by the following section:

Council of
physicians
and den-
tists.

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

Physicians
and den-
tists.

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

Pharma-
cists.

Such council shall also consist of all the pharmacists who are in the employ of the establishment.”

R.S.Q.,
c. S-5,
s. 112, re-
placed.

78. Section 112 of the said Act is replaced by the following section:

Responsi-
bilities.

“112. The council of physicians and dentists, in accordance with such modalities as may be determined by regulation, shall be responsible to the board of directors for

(1) supervising and appreciating the medical and dental acts performed in the establishment;

(2) maintaining the competence of the physicians and dentists practising in the establishment at a level sufficient to ensure services of quality as regards medical and dental care to the population;

(3) making the necessary recommendations to ensure that medical and dental services are properly distributed;

(4) making recommendations on the scientific and technical organization of the establishment;

(5) giving its opinion on the rules governing medical and dental care and the rules governing the use of the resources devised by the head of a clinical department;

(6) establishing the modalities of a system of continuous duty in the hospital centre.

Services
and re-
sources.

In carrying out its functions, the council of physicians and dentists shall take into account the necessity of providing adequate services to recipients, the organization of the establishment and the resources available in the establishment.”

R.S.Q.,
c. S-5,
s. 114, am.

79. Section 114 of the said Act is amended

(1) by replacing the first and second paragraphs by the following paragraphs:

By-laws.

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

Commit-
tees.

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

(2) by adding, at the end of the third paragraph, the following sentence: “The executive committee of the council of physicians and dentists has access to the records and minutes of its committees.”

R.S.Q.,
c. S-5,
s. 116, am.

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

Director of
profes-
sional serv-
ices.

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

R.S.Q.,
c. S-5,
s. 118, re-
placed.

81. Section 118 of the said Act is replaced by the following section:

Duties.

“118. The director of professional services, under the authority of the general manager, must

(1) direct, coordinate and supervise the activities of heads of clinical departments that are provided for in section 71.1 and coordinate with the other directors concerned the professional and scientific activities of the establishment, subject to the organization plan;

(2) implement the administrative sanctions provided for in subparagraph 2 of the first paragraph of section 71.1 and inform thereof the council of physicians and dentists and the heads of clinical departments;

(3) supervise the operation of the committees of the clinical staff advisory council and of the council of physicians and dentists and satisfy himself that they are performing their functions and, in the case of the council of physicians and dentists, that it is adequately supervising the medical and dental acts performed in the establishment;

(4) assume any other function provided for in the organization plan of the establishment.”

R.S.Q.,
c. S-5,
ss. 118.1-
18.5,
added.

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

“ § 6.1 — *Recipients' Committee*

Recipients'
committee.

“118.1 Every extended-care hospital centre, every reception centre and every establishment offering such service must institute a recipients' committee and provide financing standards for the operation of the committee.

Composi-
tion.

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

By-laws.

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

Parents
and tutors.

"118.2 Parents and tutors of recipients less than eighteen years of age may be elected as members of a recipients' committee.

Parents
and repre-
sentatives.

"118.3 Where the health of the recipients in an establishment does not allow them to be members of a recipients' committee, the committee may be composed of parents or representatives of the recipients chosen by the regional council concerned, after consultation with the board of directors of the establishment.

Informa-
tion.

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

Premises.

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

Functions.

"118.5 The functions of the recipients' committee are

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

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

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

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

R.S.Q.,
c. S-5,
s. 121, am.

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

Amalgamation.

"However, an establishment contemplated in paragraph *a* of section 10 or a public establishment whose immoveable assets have been acquired out of funds derived for the most part from Government subsidies may be amalgamated in accordance with section 119 where the Minister considers, after consulting the regional council concerned, that the public interest warrants it. In such a case, the Minister shall publish in the *Gazette officielle du Québec* a notice of his intention to propose to the Government, forty-five days after publication of such notice, that it order the amalgamation of such establishment and the issue of letters patent to that effect by the Minister of Cooperatives and Financial Institutions.

Representations.

After publication of the notice, the Minister must give the establishments concerned the opportunity to make representations."

R.S.Q.,
c. S-5,
s. 122, am.

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

Publication.

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

R.S.Q.,
c. S-5,
s. 122.1,
added.

85. The said Act is amended by inserting, after section 122, the following section:

Provisional directors.

"122.1 Notwithstanding section 65, the provisional members of the board of directors of the new corporation resulting from an amalgamation referred to in the second paragraph of section 121 remain in office for at least twelve months from the date of issue of the letters patent."

R.S.Q.,
c. S-5,
s. 126, am.

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

Public information meeting.

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

R.S.Q.,
c. S-5,
s. 129, am.

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

Status and privileges.

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

Rules.

Furthermore, the enjoyment of the privileges is subject to compliance with the rules approved by the board of directors of the centre."

R.S.Q.,
c. S-5,
s. 129.1,
added.

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

Temporary
practice.

"129.1 The director of professional services, the chairman of the council of physicians and dentists or the head of a clinical department may, in case of emergency, temporarily authorize a physician or a dentist to practise his profession in a hospital centre. In that case, the person who gives the authorization must so notify the general manager immediately.

Emer-
gency
treatment.

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

R.S.Q.,
c. S-5,
s. 130, am.

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

Organi-
zation plan
and re-
sources.

"The board of directors of a hospital centre shall accept or refuse the candidature of a physician or dentist taking into account the organization plan contemplated in section 70, the number of physicians and dentists provided for in such organization plan and the resources available and the special requirements of the centre.

Qualifi-
cations and
require-
ments.

The council may also refuse the candidature of a physician or dentist on the basis of criteria of the qualifications, scientific competence or conduct of the physician or dentist, having regard to the special requirements of the hospital centre.

Refusal.

Every refusal must be substantiated in writing.

Notifi-
cation.

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

R.S.Q.,
c. S-5,
s. 132, am.

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

Appeal.

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

R.S.Q.,
c. S-5,
s. 135, am.

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

R.S.Q.,
c. S-5,
s. 139, re-
placed,
s. 139.1,
added.

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

Permanent
permit.

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

Temporary
permit.

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

Renewal.

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

Changes. However, the Minister may, after consultation with the regional council concerned, change the category, the class, the kind or capacity indicated on the permit if he considers that the public interest warrants it.

Representations. Before changing the category, class or kind indicated on the permit, the Minister must give the establishment concerned the opportunity to make representations to him.

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

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

R.S.Q., c. S-5, s. 141, replaced. **93.** Section 141 of the said Act is replaced by the following section:

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

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

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

R.S.Q., c. S-5, s. 144, repealed. **94.** Section 144 of the said Act is repealed.

95. Section 150 of the said Act is amended

R.S.Q., c. S-5, s. 150, am. (1) by replacing the first paragraph by the following paragraphs:

List of medications. **"150.** The Minister shall draw up the list of the medications which may be used in an establishment. The list shall be updated periodically after consultation with the conseil consultatif de pharmacologie established pursuant to section 39 of the Health Insurance Act (R.S.Q., chapter A-29). It comes into force from its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

Authorized medications. An establishment may furnish only the medications appearing on the list referred to in the first paragraph or the prostheses or apparatus referred to in section 3 of the Health Insurance Act or included in the insured services referred to in the Hospital Insurance Act (R.S.Q., chapter A-28).";

(2) by striking out the words “or a functional rehabilitation centre” in the first line of the second paragraph.

R.S.Q.,
c. S-5,
s. 152, am.

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

Foster
family.

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

R.S.Q.,
c. S-5,
s. 154, re-
placed.

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

Regulation
governing
selection of
general
managers
and staff
members.

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

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

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

R.S.Q.,
c. S-5,
s. 173, am.

98. Section 173 of the said Act is amended

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

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

i. the minimum conditions to be complied with;

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

iii. those measures, where required;”;

(2) by replacing subparagraphs *g* to *j* of the first paragraph by the following subparagraphs:

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

“(h) require, in the case of a private establishment not contemplated in sections 176 and 177, that the permit holder give security at the time of its issuance, and determine the amount,

form and term of the security and the modalities of its collection, payment, administration and use;

“(i) determine, according to the category of establishment indicated by it, the divisions, services and departments to be included in the organization plan of an establishment, the functions of the head of each such division, service and department and, as the case may be, his qualifications;

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

“(j.1) determine the committees that the council of physicians and dentists of a hospital centre is to establish, the functions of these committees and, if necessary, their composition;”;

(3) by replacing subparagraphs *l* to *p* of the first paragraph by the following subparagraphs:

“(l) prescribe the obligation for the board of directors of an establishment to establish an auditing committee and, in the case of a hospital centre, an advisory committee to the general management, and determine the composition of the committees, their functions and powers, their operating rules and the qualifications of their members;

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

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

ii. the approval of the budget by the Minister;

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

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

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

“(n) determine, in respect of establishments or regional councils,

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

ii. the cases or circumstances in which the authorization of the Minister or of the regional council is required, in connection with the matters referred to in this paragraph;

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

i. the matters with which the auditor’s report is to deal;

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

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

“(p) determine the standards governing borrowings by public establishments or private establishments contemplated in sections 176 and 177, and require that such an establishment obtain the authorization of the Minister to borrow money by any means recognized by law, and that it supply to the Minister, directly or through a financial institution with which it does business, all the information regarding its financial situation at the time such authorization is requested;

“(q) determine the hospital centres that must offer and maintain an uninterrupted emergency service, prescribe the cases where recipients are entitled to receive emergency services and, as the case may be, determine the care these services include, fix the maximum period for the occupancy of a bed by a recipient in an emergency service, and provide for the measures to be taken by an establishment in case of disaster;

“(r) prescribe the rules to be observed by every establishment and every person holding an employment or carrying on an occupation therein in order to preclude or cause to cease conflicts of interest to which occasion might be given by the award of contracts between those establishments and foster families or firms in which such persons hold a direct or indirect interest, and determine the measures the establishment or the Minister may take in that respect;

“(s) determine the cases, conditions or circumstances where an establishment that cannot itself carry out diagnostic tests must entrust the establishments or laboratories indicated by it with such tests and, when these cannot carry them out, specify the information the establishment must supply to the regional council concerned to obtain authorization to use another laboratory.”;

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

R.S.Q.,
c. S-5,
s. 173.1,
added.

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

Regulations.

“173.1 The Minister may, with the approval of the Conseil du Trésor, make regulations applicable to establishments, regional councils and the Corporation d’hébergement du Québec contemplated in section 178.1 on the procedure and the conditions governing supplies, joint purchases and mandates granted for such purposes, the construction of buildings, the alienation of property, the lease of buildings, contracts relating to such matters and the keeping of documents relating thereto.

Coming into force.

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

R.S.Q.,
c. S-5,
s. 179, am.

100. Section 179 of the said Act is amended by replacing the first paragraph by the following paragraph:

Offence and penalty.

“179. Every person who contravenes any of the provisions of this Act or the regulations of the Government or of the Minister is guilty of an offence and liable, upon summary proceeding, in addition to costs, to a fine of not less than \$200 nor more than \$1 000 in the case of an individual, or a fine of not less than \$500 nor more than \$5 000 in the case of a corporation.”

R.S.Q.,
c. S-5,
s. 182, am.

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

Relocation prohibited.

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

Offence and penalty.

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

R.S.Q.,
c. S-5,
s. 183, am.

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

R.S.Q.,
c. P-35,
s. 1, am.

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

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

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

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

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

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

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

R.S.Q.,
c. P-35,
s. 2, am.

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

Additional
powers.

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

(a) determine ambulance service zones;

(b) fix the costs or rates of transport by ambulance for the different zones or establish standards for fixing them;

(c) establish standards for fixing the maximum number of ambulance service permits and the maximum number of ambulances; such maximum number may be fixed for an administrative area or for a zone;

(d) establish standards for transport by ambulance between establishments;

(e) establish standards for ambulance service subsidies.

Delegation.

The Minister may delegate the powers provided in subparagraphs *a*, *c* and *d* of the second paragraph to a regional council; he may also entrust a regional council with the financial management of the funds relating to the carrying out of this section.”

R.S.Q.,
c. P-35,
s. 5, re-
placed.

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

Reporting
of diseases.

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

Reporting
of diseases.

Every physician must declare to the Minister or to the head of the community health department in the territory, in accordance

with the regulations, every case of a disease that must be declared or of venereal disease of which he is aware.

Reporting
of diseases.

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

Anonym-
ity.

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

R.S.Q.,
c. P-35,
s. 6, re-
placed.

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

Refusal of
treatment.

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

R.S.Q.,
c. P-35,
s. 34,
added.

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

Number of
ambu-
lances.

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

R.S.Q.,
c. P-35,
s. 35, re-
placed.

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

Number of
ambu-
lances and
zones.

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

R.S.Q.,
c. P-35,
s. 36, am.

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

Refusal.

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

R.S.Q.,
c. P-35,
ss. 40.1-
40.3,
added.

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

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

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

Restricted zone. **"40.3** In no case may the holder of an ambulance service permit follow up a call to take charge of a person in a zone where another ambulance service is subsidized, unless he is requested to do so by such ambulance service."

R.S.Q.,
c. P-35,
s. 69, am. **111.** Section 69 of the said Act, amended by section 299 of chapter 63 of the statutes of 1979, is again amended

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

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

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

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

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

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

Regulations. **112.** The regulations made under the provisions replaced by this Act are deemed to have been regulations made under the provisions enacted by this Act.

Agreements. **113.** The provisions of the agreements made under the Health Insurance Act which have effect at the coming into force of this Act prevail until new agreements are made.

Existing
regulations
and agree-
ments.

However, the provisions of the Health Insurance Act or of a regulation, decree or order passed under that Act dealing with a matter provided for in the agreement between the Minister of Social Affairs and the Association québécoise des pharmaciens propriétaires before the coming into force of this Act, apply as if such matter were not provided for in the agreement.

Existing
regulations
and agree-
ments.

Similarly, the provisions of the Health Insurance Act or of the Act respecting health services and social services or of a regulation, decree or order passed under the latter Acts dealing with a matter provided for in an agreement between the Minister of Social Affairs and another body representing professionals in the field of health before the coming into force of this Act, apply as if such matter were not provided for in the agreement.

Existing
agree-
ments.

114. The provisions of the third and fifth paragraphs of section 19 of the Health Insurance Act enacted by section 4 of this Act do not apply to a physician who, on the date of the coming into force of this Act, is bound by an agreement made under section 19 of the Health Insurance Act.

Exception.

However, those provisions apply to a physician who obtains his specialist's certificate after the coming into force of this Act.

Existing
agree-
ments.

115. The agreement between the Association des hôpitaux de la province de Québec and the Fédération des médecins résidents et internes du Québec on 22 August 1980 is deemed to be an agreement made by the Minister of Social Affairs under section 19.1 of the Health Insurance Act enacted by section 5 of this Act.

1982 ap-
pointments
and elec-
tions.

116. The election or the appointment of the members of a board of directors of a regional council is made during the month of May 1982 in accordance with the Act respecting health services and social services as amended by this Act. The new members of the board of directors shall determine, by a drawing of lots, on such conditions as they may fix, the term of office of the first members of the new board, to ensure rotation at the election or appointment of subsequent members.

Contin-
uance in of-
fice.

The members of a board of directors of an establishment elected or appointed at the coming into force of this Act continue to sit until the expiry of their term or until they resign or lose the qualification necessary for their election or appointment. The new members are elected or appointed in accordance with the Act respecting health services and social services as amended by this Act.

1982 ap-
pointments
and elec-
tions.

The election or the appointment of the new members who may sit on the board of directors of an establishment under the provisions enacted by this Act takes place during the month of May 1982

in accordance with the Act respecting health services and social services as amended by this Act. However, the term of office of the first members is two years.

Coming
into force.

117. This Act comes into force on the day of its sanction, except sections 1 and 4, 7 to 10 and 14 to 23, paragraphs 1, 3, 4 and 6 of section 24, sections 25 to 29, 33, 35, 36, 40 and 42, sections 18.1, 18.2 and 18.5 of the Act respecting health services and social services enacted by section 43, sections 46, 49, 52 to 55, 57, 59 to 82, 86 to 91, 94 to 96, 100 and 102, the third paragraph of section 113, and section 116, which will come into force on the date fixed by proclamation of the Government, with the exception of the provisions excluded by such proclamation, which will come into force on any later date or dates fixed by proclamation of the Government.