



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 56
(2009, chapter 46)

**An Act to amend the Act respecting
health services and social services with
regard to the certification of certain
resources offering lodging to vulnerable
clienteles**

**Introduced 18 June 2009
Passed in principle 1 October 2009
Passed 12 November 2009
Assented to 19 November 2009**

**Québec Official Publisher
2009**

EXPLANATORY NOTES

This Act extends the certification process in place for residences for the elderly to certain health and social service resources offering lodging to vulnerable clientele; these resources are to be determined by government regulation.

Certification is now valid for three years; to obtain certification, the resources concerned, as is the case for residences for the elderly, must satisfy health and social criteria as well as requirements determined by regulation. Moreover, the complaints mechanism that applies to residences for the elderly under the Act respecting health services and social services will also apply to these resources.

LEGISLATION AMENDED BY THIS ACT:

– Act respecting health services and social services (R.S.Q., chapter S-4.2).

Bill 56

AN ACT TO AMEND THE ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES WITH REGARD TO THE CERTIFICATION OF CERTAIN RESOURCES OFFERING LODGING TO VULNERABLE CLIENTELES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 60 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended

(1) by replacing “or in a residence for the elderly referred to in section 346.0.1, regarding the services the person received or ought to have received from the organization or nursing home” in paragraph 1 by “by a resource offering lodging referred to in section 346.0.21 or in a residence for the elderly referred to in section 346.0.1, regarding the services the person received or ought to have received from the organization, nursing home, resource or residence”;

(2) by inserting “, resources offering lodging referred to in section 346.0.21” after “454” in paragraph 3.

2. The heading of subdivision 2.1 of Division II of Chapter I of Title I of Part III of the Act is amended by adding “*and certain resources offering lodging to vulnerable clienteles*” at the end.

3. Section 346.0.1 of the Act is amended by replacing “Such information is public information.” in the third paragraph by “In addition, if a residence is administered by a board of directors, the agency shall draw up a list of board members comprising the name, address, occupation and function of each member, as well as the nature of any family relationships between the members themselves or between members and persons working at the residence. This information, with the exception of that concerning any family relationships between the members or between members and persons working at the residence, is public information.”

4. Section 346.0.6 of the Act is amended

(1) by inserting the following subparagraph after subparagraph 2 of the first paragraph:

“(2.1) the conditions that must be satisfied by the staff members and volunteers of a residence for the elderly and by the persons working on behalf of such a residence, in accordance with the responsibilities they assume, particularly with regard to the required training and to safety;”;

(2) by adding the following subparagraph after subparagraph 4 of the first paragraph:

“(5) any other certification measure.”

5. Section 346.0.8 of the Act is amended by adding “, has taken the corrective measures described in paragraph 2 of section 346.0.12 and avoids any practice or situation that could pose a threat to the health or safety of the persons to whom the operator provides services” at the end.

6. Section 346.0.10 of the Act is amended

(1) by replacing “two” by “three”;

(2) by replacing “90 days” in paragraph 1 by “six months”.

7. Section 346.0.11 of the Act is amended

(1) by inserting the following paragraph after paragraph 1:

“(1.1) has not taken the corrective measures ordered by the agency within the period it prescribes;”;

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

“(3) has been convicted of an indictable or criminal offence related to the abilities and conduct required to operate a residence of the same category, or has a director or officer who has been so convicted, unless a pardon has been obtained.”

8. Section 346.0.12 of the Act is amended

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

“(2) failed to take the corrective measures ordered by the agency within the prescribed period, in particular further to recommendations formulated as part of the complaint examination process;”;

(2) by replacing paragraph 4 by the following paragraph:

“(4) has been convicted, during the period of validity of the certificate, of an indictable or criminal offence related to the abilities and conduct required to operate a residence of the same category, or has a director or officer who has been so convicted, unless a pardon has been obtained;”;

(3) by adding the following paragraph at the end:

“(5) engages in practices or tolerates a situation that could pose a threat to the health or safety of the persons to whom the operator provides services.”

9. Section 346.0.19 of the Act is amended

(1) by inserting “, or whose certificate has been suspended or revoked or has not been renewed,” after “activities”;

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

“The agency must take the means necessary to inform the residents of any refusal to issue or renew a certificate or of any suspension or revocation of a certificate. To this end the agency may require the residence to provide it with the contact information of the residents and of any persons acting on their behalf.”

10. Section 346.0.20 of the Act is amended by adding “except with the written permission of the agency” at the end.

11. The Act is amended by adding the following section after section 346.0.20:

“346.0.21. The provisions of this subdivision apply, with the necessary modifications, to all resources and categories of resource offering lodging determined by government regulation except intermediary resources, family-type resources and specialized medical centres within the meaning of this Act.

However, subparagraph 4 of the first paragraph of section 346.0.6 does not apply in the case of a resource established for non-profit purposes.”

12. Section 489 of the Act is amended by replacing “for which a permit is required by this Act are carried on” in the first paragraph by “are carried on for which a permit or a certificate of compliance is required under this Act”.

13. Section 530.8 of the Act is amended

(1) by replacing “may, where the head office of that organization or nursing home” in the first paragraph by “, in a residence for the elderly referred to in section 346.0.1 or by a resource offering lodging referred to in section 346.0.21 may, where the head office of that organization, nursing home, residence or resource”;

(2) by replacing “or nursing home” at the end of the first paragraph by “, nursing home, residence or resource”;

(3) by replacing “organization or nursing home” in the second and third paragraphs by “organization, nursing home, residence or resource”.

14. Section 531.1 of the Act is amended by inserting “referred to in section 346.0.1 or a resource offering lodging referred to in section 346.0.21” after “elderly” in the first paragraph.

TRANSITIONAL AND FINAL PROVISIONS

15. If an operator of a resource working in the drug addiction field and offering lodging that is subject to a regulation made under section 346.0.21 of the Act respecting health services and social services (R.S.Q., chapter S-4.2), enacted by section 11 of this Act, does not, on 30 June 2010, hold a certificate issued by the Minister of Health and Social Services under the certification program for private or community organizations working in the drug addiction field and offering lodging, the operator must apply for a certificate under that Act, as amended by this Act, and provide the required documents before 1 July 2011.

16. The operator of a resource referred to in section 15 that, on 30 June 2010, holds a certificate issued by the Minister of Health and Social Services under the certification program for private or community organizations working in the drug addiction field and offering lodging must apply for a certificate under the Act respecting health services and social services, as amended by this Act, and provide the required documents

(1) before 1 July 2011, if the operator's certificate expires in the 12 months preceding that date;

(2) in the 12 months preceding the expiry date of the certificate if that date is later than 30 June 2011.

17. A certificate of compliance for a residence for the elderly for which a renewal application is pending on 19 November 2009 or for which the operator is required by law to file a renewal application before 1 February 2010 is extended for one year as of the date of expiry of the certificate.

18. If an application to obtain a first certificate of compliance for a residence for the elderly is pending on 1 February 2010 and no certificate has been issued by that date, the application is deemed to have been filed under sections 346.0.1 to 346.0.21 of the Act respecting health services and social services, as amended by this Act.

19. If a certificate of compliance for a residence for the elderly expires between 1 May 2010 and 1 August 2010, the holder of the certificate must file a renewal application within six months after the coming into force of this section. Moreover, the certificate is deemed to be valid between 1 May 2010 and 1 August 2010.

20. This Act comes into force on 1 February 2010, except sections 12 and 17, which come into force on 19 November 2009, and sections 15 and 16, which come into force on 30 June 2010.

