



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 108
(2002, chapter 38)

**An Act to amend the Act respecting
health services and social services for
Cree Native persons and various
legislative provisions**

**Introduced 28 May 2002
Passage in principle 7 June 2002
Passage 14 June 2002
Assented to 14 June 2002**

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EXPLANATORY NOTES

This bill amends the Act respecting health services and social services for Cree Native persons to allow the creation of a public health department in the territory of Region 10B covered by the James Bay and Northern Québec Agreement.

The bill also contains technical and consequential amendments.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting Héma-Québec and the haemovigilance committee (R.S.Q., chapter H-1.1);
- Act respecting Institut national de santé publique du Québec (R.S.Q., chapter I-13.1.1);
- Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2);
- Act respecting occupational health and safety (R.S.Q., chapter S-2.1);
- Act respecting health services and social services (R.S.Q., chapter S-4.2);
- Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);
- Public Health Act (2001, chapter 60).

Bill 108

AN ACT TO AMEND THE ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS AND VARIOUS LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 1 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) is amended by adding “, and in which public health activities are carried out in accordance with the provisions of the Public Health Act (2001, chapter 60)” at the end of subparagraph *g* of the first paragraph.

2. Section 54 of the said Act is amended by replacing subparagraph *e* of the first paragraph by the following subparagraph :

“(e) at the option of the Regional Authority, the public health director, a director of professional services of a hospital centre under the authority of the regional council, or both.”

3. The said Act is amended by inserting the following sections after section 63.2 :

“63.3. The regional council shall

(1) establish a public health department ;

(2) ensure the security and confidentiality of the personal or confidential information obtained by the public health department in the exercise of its functions ;

(3) entrust the management of the regional public health action plan provided for in section 63.16 to the public health director appointed under section 63.4 ;

(4) organize services and allocate available resources for the purposes of the regional public health action plan.

“63.4. Following an agreement with the Minister, the regional council shall appoint a public health director.

The Minister may require that a person representing the Minister participate in the process of selection of the public health director.

The public health director must be a physician trained in community health care and shall be appointed for a term of not more than four years.

The public health director may remain in office at the expiry of his term until he is replaced or reappointed by the regional council, if there has been an agreement to that effect between the Minister and the regional council.

“63.5. If the office of public health director becomes vacant or if the public health director is unable to act or is absent for an extended period of time, the regional council must appoint a person to temporarily replace the director, on the conditions determined by the council and following an agreement with the Minister, within 30 days of the vacancy, inability to act or absence or within any other time limit agreed upon by the regional council and the Minister.

“63.6. If the office of public health director becomes vacant, the regional council shall immediately set in motion the process of selection of a new director.

“63.7. The regional council may, if the public health director is guilty of grave misconduct or tolerates a situation which could pose a threat to the health of the population, withdraw the functions and powers vested in the public health director, with the consent of the Minister.

The regional council must, in that case, appoint a person to temporarily replace the director in accordance with the provisions of section 63.5.

“63.8. If the Minister ascertains that the public health director is guilty of grave misconduct or tolerates a situation which could pose a threat to the health of the population, the Minister may request the regional council to exercise the powers conferred on it by section 63.7.

If the regional council fails to act within the time specified, the Minister may withdraw the functions and powers vested in the director. In that case, a person shall be appointed to temporarily replace the director in accordance with the provisions of section 63.5.

“63.9. In every situation where no person is appointed to assume the functions and exercise the powers of public health director in the territory, whether for a fixed term or an interim period and for whatever reason, the national public health director or the person designated by the latter to represent him shall assume the functions and exercise the powers of public health director in the territory.

“63.10. The public health director shall assume all the functions and exercise all the powers entrusted to a public health director by the Acts and regulations of Québec.

The public health director shall, in particular, assume the functions provided for in section 373 of the Act respecting health services and social services (chapter S-4.2), within the regional council and with respect to the population of the territory.

“63.11. The public health director shall carry out any other mandate entrusted to the director by the regional council within the scope of his responsibilities.

“63.12. The public health director must, without delay, inform the regional council and the national public health director of any emergency or of any situation posing a threat to the health of the population.

“63.13. The national public health director may request the public health director to report on the decisions or advice made or given in the exercise of the national public health director’s functions.

“63.14. With respect to the Public Health Act (2001, chapter 60), the regional council shall assume all the functions entrusted under that Act to a regional board or an institution operating a local community service centre, subject to the provisions of sections 63.15 to 63.18.

“63.15. Sections 11 and 12, the second paragraph of section 13 and sections 14, 15 and 17 of the Public Health Act do not apply in the territory of the regional council. They are replaced by sections 63.16 to 63.18 of this Act.

“63.16. The regional council must develop, implement, evaluate and regularly update a regional public health action plan and one or more local action plans.

The action plans must be consistent with the prescriptions of the national public health program and must take into account the specific characteristics of the population living in the territory.

Before implementing the plans, the regional council must consult the population living in the territory and the various resources concerned by the plans, using the means it considers the most appropriate.

“63.17. The regional action plan of the regional council must include a plan providing for the mobilization of the resources of the health and social services institutions in the territory whenever such resources are needed by the public health director to conduct an epidemiological investigation or to take the measures considered necessary to protect the health of the population if it is threatened.

“63.18. The regional council must submit the regional public health action plan and the local action plan or plans to the Minister, together with the proposed allocation of the budget available for such purpose in the territory, before implementing them.”

4. Section 7 of the Act respecting Héma-Québec and the haemovigilance committee (R.S.Q., chapter H-1.1) is amended by adding “or the Act respecting health services and social services for Cree Native persons (chapter S-5)” at the end of subparagraph 6 of the first paragraph.

5. Section 46 of the said Act is amended by adding “or in the public health department established by the regional council under section 63.3 of the Act respecting health services and social services for Cree Native persons” at the end of subparagraph 2 of the first paragraph.

6. Section 3 of the Act respecting Institut national de santé publique du Québec (R.S.Q., chapter I-13.1.1) is amended by replacing “and” after “Services” in the second line of the first paragraph by a comma and by inserting “and to the regional council established under the Act respecting health services and social services for Cree Native persons (chapter S-5)” after “(chapter S-4.2)” in the third line of the first paragraph.

7. Section 9 of the said Act is amended by inserting “or the Act respecting health services and social services for Cree Native persons (chapter S-5)” at the end of subparagraph 2 of the first paragraph.

8. Section 20 of the said Act is amended by replacing “and” in the first line of the second paragraph by “, the regional council and all”.

9. Section 5.1 of the Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2), enacted by section 108 of chapter 24 of the statutes of 2001, is amended

(1) by striking out “Québec” in the first line of the first paragraph of the English text;

(2) by replacing “Québec’s” in the first line of the second paragraph of the English text by “The”.

10. Section 1 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1), amended by section 168 of chapter 26 and by section 167 of chapter 60 of the statutes of 2001, is again amended

(1) by replacing the definition of “public health director” by the following definition :

““public health director” means a public health director within the meaning of the Act respecting health services and social services or within the meaning of the Act respecting health services and social services for Cree Native persons;”;

(2) by replacing “and the institution to which Part IV.2 of that Act applies” in the second and third lines of the definition of “regional board” by “, the institution to which Part IV.2 of that Act applies and the regional council within the meaning of the Act respecting health services and social services for Cree Native persons”.

11. Section 373 of the Act respecting health services and social services (R.S.Q., chapter S-4.2), amended by section 60 of chapter 24 of the statutes of 2001, is again amended by replacing the second paragraph by the following paragraph:

“The public health director shall assume, in addition, any other function entrusted to him by the Public Health Act (2001, chapter 60).”

12. Section 530.59 of the said Act is amended

(1) by striking out “the first paragraph of” in the second line of the first paragraph and by replacing “375” in the third line of that paragraph by “375.0.1”;

(2) by replacing “paragraph 2” in the first and second lines of the second paragraph by “paragraph 1” and by replacing “375” in the third line of that paragraph by “375.0.1”.

13. Section 2 of the Public Health Act (2001, chapter 60) is amended by adding “or the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5)” at the end of the third paragraph.

14. Section 10 of the said Act is amended by replacing “and in the territories of the different regional boards” in the second and third lines of the second paragraph by “and those obtained in the territory of each regional board and in the territory of the regional council”.

15. Section 131 of the said Act is amended

(1) by replacing “The regional boards shall” at the beginning of the first paragraph by “The regional council and the regional boards shall”;

(2) by replacing “The regional boards must” at the beginning of the third paragraph by “The regional council and the regional boards must”.

16. Section 132 of the said Act is amended by striking out “of a regional board” in the second line of the first paragraph.

17. Sections 73 and 74 of the Organization and Management of Institutions Regulation (R.R.Q., 1981, chapter S-5, r.3.01) are repealed.

18. As of the coming into force of this Act, the national public health director or the person designated by the national public health director to represent him shall assume the functions and exercise the powers of the public health director in the territory of the regional council, until the first public health director is appointed.

19. This Act comes into force on 14 June 2002.