NATIONAL ASSEMBLY

FIRST SESSION THIRTY-EIGHTH LEGISLATURE

Bill 95
(2008, chapter 28)

An Act to amend the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies

Introduced 13 June 2008
Passed in principle 17 June 2008
Passed 20 June 2008
Assented to 20 June 2008

Québec Official Publisher
2008

EXPLANATORY NOTES

This Act provides that a medical imaging laboratory may be operated only by a radiologist, a legal person or a partnership in which radiologists have a majority interest, or an association made up exclusively of radiologists.

The Act also requires that the operator of such a laboratory hold a permit, have the services provided in the laboratory accredited, and appoint a medical director.

LEGISLATION AMENDED BY THIS ACT:

– Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies (R.S.Q., chapter L-0.2).

LEGISLATION REPEALED BY THIS ACT:

– Act to amend the Public Health Protection Act (1990, chapter 55).

Bill 95

AN ACT TO AMEND THE ACT RESPECTING MEDICAL LABORATORIES, ORGAN, TISSUE, GAMETE AND EMBRYO CONSERVATION, AND THE DISPOSAL OF HUMAN BODIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies (R.S.Q., chapter L-0.2) is amended by inserting "medical imaging laboratory within the meaning of section 30.1 as well as a" after "means a" in the first line of subparagraph *b* of the first paragraph.

2. The Act is amended by inserting the following division before Division VI:

"**DIVISION V.1**

"MEDICAL IMAGING LABORATORY

"**30.1.** In this Act, "medical imaging laboratory" means a place, outside a facility maintained by an institution, that is equipped to allow one or more radiologists to carry out various types of medical imaging examinations using diagnostic radiology or magnetic resonance imaging for the purposes of prevention and diagnosis.

"**30.2.** Only a physician who holds a specialist's certificate in diagnostic radiology issued by the Collège des médecins du Québec may operate a medical imaging laboratory. If the physician acts for the benefit of a legal person or a partnership, more than 50% of the voting rights attached to the shares of the legal person or interests in the partnership must be held by physicians holding such a certificate. If the physician acts for the benefit of an association, all the members of the association must hold such a certificate.

The affairs of a legal person, partnership or association for which a medical imaging laboratory permit is issued must be administered by a board of directors or internal management board that includes a majority of physicians who hold a specialist's certificate in diagnostic radiology issued by the Collège des médecins du Québec; such physicians must at all times form the majority of the quorum of the board of directors or internal management board.

"**30.3.** A medical imaging laboratory must operate as either

(1) a laboratory where only radiologists subject to an agreement entered into under section 19 of the Health Insurance Act (chapter A-29) practise; or

(2) a laboratory where only non-participating radiologists within the meaning of that Act practise.

The operator of a medical imaging laboratory must ensure that the requirement of either subparagraph 1 or subparagraph 2 of the first paragraph is met.

"**30.4.** Within three years after the permit required under section 31 is issued, the operator of a medical imaging laboratory must have the services provided in the laboratory accredited by an accreditation body recognized by the Minister. The accreditation must subsequently be maintained at all times.

"**30.5.** The operator of a medical imaging laboratory must appoint a medical director. The medical director must hold a specialist's certificate in diagnostic radiology issued by the Collège des médecins du Québec.

The medical director is responsible for

(1) organizing the medical imaging services provided in the laboratory;

(2) ensuring the quality and safety of those services;

(3) seeing that standard medical procedures are established for all medical imaging examinations carried out in the laboratory and that the procedures are followed; and

(4) taking any other measure necessary for the proper operation of the laboratory."

3. Section 40.3.2 of the Act is amended

(1) by striking out subparagraph *d* of the first paragraph;

(2) by inserting the following paragraph after the first paragraph:

"In addition, the Minister has the same powers with respect to the holder of a medical imaging laboratory permit that

(1) does not have the services provided in the laboratory accredited within three years after the permit is issued or does not subsequently maintain the accreditation; or

(2) fails to fulfil, or whose medical director fails to fulfil, the obligations imposed by this Act or the regulations."

4. Section 40.3.3 of the Act is repealed.

FINAL PROVISIONS

5. The Act to amend the Public Health Protection Act (1990, chapter 55) is repealed.

6. As of the date of coming into force of section 2, the operator of a diagnostic radiology laboratory that is a general diagnostic radiology laboratory within the meaning of the Regulation respecting the application of the Public Health Protection Act (R.R.Q., 1981, chapter L-0.2, r. 1) is deemed to operate a medical imaging laboratory within the meaning of section 30.1 of the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies (R.S.Q., chapter L-0.2), enacted by section 2. The operator has 180 days to comply with sections 30.2, 30.3 and 30.5 of that Act and three years to have the laboratory services accredited as required under section 30.4 of that Act.

7. A person or partnership that, on 20 June 2008, is operating a private health facility within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-4.2) in which medical imaging examinations are carried out using magnetic resonance imaging exclusively must, on or before 31 December 2008 and in accordance with section 34 of the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies, obtain a permit authorizing the person or partnership to operate a medical imaging laboratory within the meaning of section 30.1 of that Act, enacted by section 2. In addition, the person or partnership must, on or before 30 June 2009, comply with sections 30.2, 30.3 and 30.5 of that Act and must, on or before 31 December 2011, have the laboratory services accredited as required under section 30.4 of that Act.

8. Unless inconsistent with Division V.1 of the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies, enacted by section 2, the provisions of the Regulation respecting the application of the Public Health Protection Act that are applicable to diagnostic radiology laboratories that may be classified as general diagnostic radiology laboratories apply, with the necessary modifications, to medical imaging laboratories within the meaning of section 30.1 of the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies, enacted by section 2.

9. This Act comes into force on 20 June 2008.