



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 16
(2011, chapter 27)

An Act to amend various legislative provisions concerning health and social services in order, in particular, to tighten up the certification process for private seniors' residences

**Introduced 12 May 2011
Passed in principle 4 October 2011
Passed 29 November 2011
Assented to 30 November 2011**

**Québec Official Publisher
2011**

EXPLANATORY NOTES

This Act amends various provisions concerning health and social services mainly with respect to private seniors' residences.

A private seniors' residence is given a new definition in the Act respecting health services and social services and new operating rules for such a residence are introduced, including the obligation to hold a temporary certificate of compliance to begin operating one. The provisions relating to maintaining or renewing a certificate of compliance are amended.

Health and social services agencies are granted the power to evacuate and relocate persons lodged in a private seniors' residence in certain circumstances and following a specific procedure. Rules are set governing leases when a residence is evacuated or when the operator of a residence wishes to cease activities.

Moreover, specific amendments are made to the duration of laboratory permits and the name of certain health and social services institutions.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Building Act (R.S.Q., chapter B-1.1);
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting school elections (R.S.Q., chapter E-2.3);
- Election Act (R.S.Q., chapter E-3.3);

- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (R.S.Q., chapter L-0.2);
- Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2);
- Act respecting health services and social services (R.S.Q., chapter S-4.2);
- Tobacco Act (R.S.Q., chapter T-0.01);
- Act to amend various legislative provisions concerning specialized medical centres and medical imaging laboratories (2009, chapter 29).

REGULATION AMENDED BY THIS ACT:

- Regulation respecting the conditions for obtaining a certificate of compliance for a residence for the elderly (R.R.Q., chapter S-4.2, r. 5).

Bill 16

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING HEALTH AND SOCIAL SERVICES IN ORDER, IN PARTICULAR, TO TIGHTEN UP THE CERTIFICATION PROCESS FOR PRIVATE SENIORS' RESIDENCES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING MEDICAL LABORATORIES, ORGAN AND TISSUE CONSERVATION AND THE DISPOSAL OF HUMAN BODIES

1. Section 37 of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (R.S.Q., chapter L-0.2) is amended by adding the following paragraph at the end:

“However, a medical imaging laboratory permit is granted for a period of 24 months. It is renewed for the same period if its holder fulfills the conditions prescribed under the first paragraph. The same applies to any other laboratory permit determined by government regulation.”

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

2. Section 84 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended

(1) by replacing “, psychosocial or family difficulties, alcoholism or other problems of addiction” in the first paragraph by “or psychosocial or family difficulties, or because of an alcohol, gambling or drug addiction or any other addiction”;

(2) by replacing “suffering from and, mainly on referral, persons suffering from alcoholism or other problems of addiction” in the second paragraph by “with an impairment and, mainly on referral, persons with an addiction”.

3. Section 86 of the Act is amended by replacing paragraph 3 by the following paragraph:

“(3) rehabilitation centres for persons with an addiction;”.

4. The Act is amended by inserting the following section after section 87:

“87.1. Only an institution that operates both a child and youth protection centre and a rehabilitation centre for young persons with adjustment problems

or a rehabilitation centre for mothers with adjustment problems, to the exclusion of all other missions, may use “youth centre” in its name.”

5. Section 124 of the Act is amended by replacing “who suffer from alcoholism or other problems of addiction” by “with an addiction”.

6. Section 338 of the Act is replaced by the following section:

“338. Every community organization or provincial group that receives a subsidy in one of the cases described in section 336 or 337 must, within three months after the end of its fiscal year, send its activity report and its financial report to the authority from which it received the subsidy.”

7. Section 346.0.1 of the Act is amended

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

“346.0.1. Each agency must, for the purpose of identifying the private seniors’ residences in its region, establish and maintain a register of those residences.”;

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

“For the purposes of this Act, a private seniors’ residence is all or part of a congregate residential facility occupied or designed to be occupied mainly by persons 65 years of age or over; in addition to leasing rooms or apartments, the operator of the residence offers various services included in at least two of the following categories of services, defined by regulation: meal services, personal assistance services, nursing care services, domestic help services, security services or recreation services. The cost of those services may be included in the rent or paid in another manner.”;

(3) by replacing the first sentence of the third paragraph by the following sentence: “Each agency collects the following information to establish the register and keep it up to date: the name and address of the operator, the number of the certificate of compliance issued to the operator under this subdivision, or the number of the operator’s temporary certificate of compliance if the operator does not hold a certificate of compliance, the period of validity of the certificate concerned, the name and address of the person in charge of the residence if that person is not the operator, the address and physical description of the residence, certain information concerning the building, the municipal permits the operator holds and any other permit required to carry on the operator’s activities, certain characteristics of the residence, the services offered by the operator of the residence, the facilities available and, if applicable, the category of private seniors’ residence to which the residence belongs.”;

(4) by adding the following paragraphs at the end:

“The Government may, by regulation, define the categories of services listed in the second paragraph, specify the information that must be collected and kept up to date by an agency under the third paragraph, prescribe any other information to be collected and kept up to date and determine whether it is public information. It may also provide for categories of private seniors’ residences including at least one category of residences offering services for independent elderly persons and one category of residences offering services for semi-independent elderly persons.

For the purposes of the second paragraph,

(1) services offered indirectly by the operator of a private seniors’ residence, in particular through a legal person or a partnership controlled by or that controls the operator or through another resource with which the operator has entered into an agreement for that purpose, are considered to be offered by the operator;

(2) a facility operated by an institution or a building, a part of a building or a dwelling offering the services of an intermediate resource or a family-type resource, which remains subject to the other provisions applicable to it under this Act, is not a private seniors’ residence.”

8. Sections 346.0.2 to 346.0.5 of the Act are replaced by the following sections:

“346.0.2. No person may begin operating a private seniors’ residence without having obtained a temporary certificate of compliance from the agency for the region where the residence will be situated.

“346.0.3. To obtain a temporary certificate of compliance, a person must apply in writing to the agency using the form provided by the agency.

The agency shall issue a temporary certificate of compliance if, in addition to providing the information required under the third and fourth paragraphs of section 346.0.1, the person possesses the qualifications, fulfills the conditions and provides the documents and other information prescribed by government regulation.

However, the agency must refuse to issue a temporary certificate of compliance to an applicant if the applicant or, if applicable, one of the directors or officers of the applicant is charged with or convicted of an indictable or other offence related to the abilities and conduct required to operate a private seniors’ residence, unless, in the case of a conviction, a pardon has been obtained.

“346.0.4. From the beginning of the period of validity of the temporary certificate of compliance, the operator of a private seniors’ residence is subject to this subdivision and the regulations.

Not later than one year after the beginning of the period referred to in the first paragraph, the operator must obtain from the agency a certificate of compliance attesting that the operator meets the health and social criteria prescribed under paragraph 2 of section 346.0.6.

“346.0.4.1. The agency shall begin the certification process at the very beginning of the period of validity of the temporary certificate of compliance.

For the purpose of carrying out the verifications required by that process, the agency may enter into an agreement with a body recognized by the Minister.

Such an agreement sets out the conditions for the verifications.

“346.0.4.2. At the end of the one-year period specified in section 346.0.4, an agency must refuse to issue a certificate of compliance if the operator of a private seniors’ residence does not meet the health and social criteria prescribed under paragraph 2 of section 346.0.6.

An agency may also refuse to issue a certificate for any of the reasons listed in section 346.0.11.

In exceptional circumstances, an agency may extend the one-year period referred to in the first paragraph, in particular if the failure to meet a health and social criterion is attributable to a cause beyond the operator’s control. The agency may attach conditions to the extension.

“346.0.4.3. Both the certificate of compliance and the temporary certificate of compliance must state the name of the operator of the private seniors’ residence, the address of the residence, the category to which the residence belongs and the period of validity of the certificate concerned.

“346.0.5. The operator of a private seniors’ residence who holds a certificate of compliance or a temporary certificate of compliance must publicly display its certificate in the residence at all times.

“346.0.5.1. On 1 April each year, the operator of a private seniors’ residence must file a return with the agency of the region concerned containing the information required under the third and fourth paragraphs of section 346.0.1.

“346.0.5.2. Before directing an elderly person to a private seniors’ residence or proposing such a residence, an institution must ensure that the operator of the residence holds a certificate of compliance or a temporary certificate of compliance.”

9. Section 346.0.6 of the Act is amended

(1) by replacing the introductory clause of the first paragraph by:

“346.0.6. In addition to the other regulatory powers conferred on it by this subdivision, the Government may prescribe, by regulation,”;

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

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

“(1.1) the qualifications an applicant for a temporary certificate of compliance must possess, the conditions the applicant must fulfill and the information and documents the applicant must provide, in particular to enable the agency to verify compliance with the third paragraph of section 346.0.3;

“(1.2) the information and documents the operator of a private seniors’ residence must provide to the agency for the purposes of the certificate renewal process, including the information and documents it must provide to enable the agency to verify compliance with paragraph 4 of section 346.0.11;”;

(4) by replacing subparagraph 2.1 of the first paragraph by the following subparagraph:

“(2.1) the conditions that staff members and volunteers of a private seniors’ residence and any other person working in such a residence must fulfill, depending on their duties, in particular conditions relating to training and security, including conditions relating to judicial records, and the information and documents those persons must provide to the operator of the residence to enable the operator to verify whether those conditions have been fulfilled;”;

(5) by replacing subparagraph 3 of the first paragraph by the following subparagraphs:

“(3) the cases, conditions and circumstances in which this subdivision, one of its provisions or a regulatory provision does not apply to an operator of a private seniors’ residence;

“(3.1) the tools and procedures to be used to assess the autonomy of the elderly persons who reside or wish to reside in a private seniors’ residence;

“(3.2) the obligation of an operator of a private seniors’ residence that has more rooms and apartments than the number determined by regulation to establish a residence life committee, and the functions and composition of that committee;”;

(6) by replacing “a certificate of compliance” in subparagraph 4 of the first paragraph by “, if applicable, a certificate of compliance or a temporary certificate of compliance”;

(7) by replacing the second paragraph by the following subparagraphs:

“(6) any other standard applicable to the operation of a private seniors’ residence; and

“(7) the provisions of a regulation under this section whose violation constitutes an offence.”

10. Section 346.0.7 of the Act is replaced by the following section:

“346.0.7. The Government must include in the health and social criteria determined under paragraph 2 of section 346.0.6 the minimum number of persons required to be present at all times in a private seniors’ residence to ensure proper supervision, taking into account, as applicable, the category of the residence.

However, if an agency considers that, due to the physical layout of a private seniors’ residence or the type of clientele residing there, the minimum number of persons determined under paragraph 2 of section 346.0.6 does not ensure proper supervision, it may increase the minimum number of persons required to be present at all times in that residence.”

11. Section 346.0.8 of the Act is amended by replacing “whose operator holds a certificate of compliance in order to ascertain the extent to which that operator meets the conditions set out in section 346.0.4, has taken the corrective measures described in paragraph 2 of section 346.0.12 and avoids any practice or situation” by “in order to ascertain whether this subdivision and the regulations are being complied with, and whether the operator of the residence is avoiding practices or situations”.

12. Section 346.0.9 of the Act is amended

(1) by replacing “a certificate of compliance” in subparagraph 1 of the second paragraph by “a certificate of compliance or a temporary certificate of compliance and any other place, except a room or apartment, where the person has reason to believe that activities for which a certificate or a temporary certificate is required under this Act are carried on”;

(2) by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) to demand any information or documents relating to the administration of this Act for the purpose of inspecting or copying them.”

13. Sections 346.0.10 to 346.0.12 of the Act are replaced by the following sections:

“346.0.10. Subject to the third paragraph of section 346.0.4.2, a temporary certificate of compliance is valid for up to one year. It may not be renewed.

A certificate of compliance is valid for three years. It may be renewed for the same period.

Six months before the expiry date of a certificate of compliance, an agency must initiate the renewal process for the certificate with the certificate holder.

“346.0.11. The agency may revoke a temporary certificate of compliance or revoke or refuse to issue or renew a certificate of compliance if the holder

(1) no longer fulfills the conditions prescribed for the issue of a temporary certificate of compliance;

(2) fails to take the corrective measures ordered by the agency within the prescribed period, in particular further to recommendations formulated during the complaint examination process;

(3) fails to comply with a provision of this subdivision or the regulations, a condition imposed under the third paragraph of section 346.0.4.2 or a decision under the second paragraph of section 346.0.7;

(4) during the period of validity of the certificate, is charged with or convicted of an indictable or other offence related to the abilities and conduct required to operate a residence of the same category, or has a director or officer who is charged with or convicted of such an offence; or

(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.

“346.0.12. When an agency revokes a temporary certificate of compliance or revokes or refuses to issue or renew a certificate of compliance, it may prescribe the conditions that must be complied with by the operator of the private seniors’ residence concerned until the cessation of the activities of the residence. In such a case, it must prescribe a maximum period for terminating the activities of the residence.

Those conditions may include

(1) despite any inconsistent provision, the obligation to allow any person designated by the agency to enter the residence, including the rooms or apartments, at any time;

(2) the obligation to inform the agency in advance of the relocation of any resident, providing the resident’s name, the name of the person acting on the resident’s behalf, if any, and the address of the resident’s new residence;

(3) any other measure prescribed to ensure the welfare of every resident during that period.

The certificate ceases to have effect at the end of the period provided for in the first paragraph.

The costs, fees and expenses incurred by the agency to implement those conditions may be claimed from the operator of the private seniors' residence."

14. Section 346.0.13 of the Act is amended by replacing "Before refusing to issue a certificate of compliance, or suspending, revoking or refusing to renew such a certificate" by "Before refusing to issue a certificate of compliance or a temporary certificate of compliance, or revoking or, if applicable, refusing to renew such a certificate".

15. Section 346.0.14 of the Act is amended

(1) by replacing "suspending, revoking or refusing to renew a certificate of compliance" in the first paragraph by "revoking or refusing to renew, if applicable, a certificate of compliance or a temporary certificate of compliance";

(2) by replacing "suspend, revoke or refuse to renew the certificate of compliance" in the second paragraph by "revoke or, if applicable, refuse to renew the certificate".

16. Section 346.0.15 of the Act is amended by replacing "of a certificate of compliance" by "of a certificate of compliance or a temporary certificate of compliance".

17. Section 346.0.16 of the Act is amended by replacing "for a certificate of compliance has been rejected, or the holder of a certificate of compliance whose certificate has been suspended or revoked or for which renewal has been refused" by "for a certificate of compliance or a temporary certificate of compliance has been rejected, or the holder of a certificate whose certificate has been revoked or for which renewal has been refused, if applicable,".

18. The Act is amended by inserting the following sections after section 346.0.17:

"346.0.17.1. The operator of a private seniors' residence who wishes to cease activities, even with respect to only a part of the residence, must give at least six months' prior notice of that intention to the agency concerned.

The prior notice must state the date on which the operator plans to cease activities and the contact information of the residents concerned and of any persons acting on their behalf.

Failure by the operator to give the agency concerned prior notice, in accordance with this section, of the intention to cease activities renders without effect all notices that, under the rules set out in the Civil Code respecting the

lease of a dwelling, must be given to lessees prior to ceasing the activities of the private seniors' residence.

“346.0.17.2. In the case of the alienation of a congregate residential facility in which a private seniors' residence is operated or in the case of the extinction of the title of the lessor of that facility, section 346.0.17.1 also applies, with the necessary modifications, to the new lessor, who, with respect to the lessees of that residence, has the rights and obligations arising from their leases if the former operator of the residence did not give the agency concerned a prior notice of intention in accordance with that section before the alienation of the facility or the extinction of the lessor's title.”

19. Section 346.0.18 of the Act is amended by replacing “If the certificate of compliance of a certificate holder has been suspended or revoked or has not been renewed, the agency” by “When an agency revokes the temporary certificate of compliance or revokes or refuses to issue or renew the certificate of compliance of a certificate holder, it”.

20. Section 346.0.19 of the Act is amended

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

“346.0.19. The operator of a private seniors' residence who wishes to cease activities, whose temporary certificate has been revoked, who has been denied a certificate of compliance or whose certificate of compliance has been revoked or has not been renewed must return the certificate to the issuing agency.”;

(2) by replacing “of any refusal to issue or renew a certificate or of any suspension or revocation of a certificate” in the second paragraph by “of any revocation of a temporary certificate or any revocation or refusal to issue or renew a certificate of compliance”.

21. Section 346.0.20 of the Act is amended

(1) by inserting “or a temporary certificate of compliance” after “certificate of compliance”;

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

“The Government must, by regulation, identify which of the requirements referred to in the second paragraph of section 346.0.3 must be fulfilled in order for the agency to authorize the transfer requested. The third paragraph of that section also applies to a transfer request, with the necessary modifications.”

22. The Act is amended by inserting the following sections after section 346.0.20:

“346.0.20.1. No person may operate a congregate residential facility under a name that includes “private seniors’ residence” or any other word specified by government regulation, or otherwise purport, in any way, to be authorized to operate such a residence if the person does not hold a certificate of compliance or a temporary certificate of compliance.

“346.0.20.2. In addition to the powers provided for in section 346.0.11, an agency may evacuate and relocate the residents of a private seniors’ residence if the agency has reasonable grounds to believe that the operator of the residence is tolerating a situation or engaging in practices, including acts of negligence or violence, that present a danger to the health or safety of those persons.

Before proceeding, the agency must serve an evacuation order in writing on the operator, setting out the reasons for the evacuation, and allow the operator to submit observations within a period determined by the agency. It must also take the necessary means to inform the persons concerned and, to that end, it may require the operator to provide the contact information of the residents and, if applicable, of the persons acting on their behalf. If the danger is imminent, the reasons for the evacuation may first be transmitted verbally, and then in writing once the evacuation has been completed.

Once the evacuation order has been served, any person designated by the agency may enter the residence, including the rooms or apartments at any time, until the evacuation has been completed.

If the situation calls for the evacuation of all the residents, the holder’s certificate of compliance or temporary certificate of compliance ceases to have effect on the issue of the evacuation order and until the holder demonstrates to the satisfaction of the agency that the situation or practices described in the first paragraph have been remedied, unless the agency revokes the certificate under section 346.0.11.

The costs, fees and expenses incurred by the agency for the evacuation and relocation procedure may be claimed from the operator of the private seniors’ residence.

The first, second, third and fifth paragraphs also apply to a congregate residential facility where a private seniors’ residence is operated without a certificate.

“346.0.20.3. A resident evacuated under section 346.0.20.2 is exempted from paying rent for the evacuation period. Unless the agency revokes the temporary certificate of compliance or the certificate of compliance under section 346.0.11, as soon as the situation necessitating the evacuation and relocation is remedied to the satisfaction of the agency, the operator is required to notify the evacuated resident, if the resident informed the operator of the resident’s new address. The resident is then required to notify the operator within 10 days as to whether or not the resident intends to move back into the room or apartment. If the resident refuses to move back into the room or

apartment or did not inform the operator of the resident's new address or the resident's intention to move back into the room or apartment, the lease is resiliated by operation of law. The resident retains all other remedies under the lease against the operator, including the right to claim damages.

“346.0.20.4. Any resident bound by a lease of a dwelling to the operator of a private seniors' residence in respect of which the agency has revoked the temporary certificate of compliance or revoked or refused to issue or renew a certificate of compliance may, with at least 15 days' prior notice, resiliate the lease. The notice must state the date on which the resident plans to leave the room or apartment. The lease is resiliated by operation of law as of that date. The notice must be sent not later than 60 days after the activities of the residence cease.

A resident of a private seniors' residence referred to in the first paragraph also has the remedies provided for in article 1863 of the Civil Code against the operator.

An operator of a private seniors' residence may not claim compensation from a resident on the grounds of the resiliation of a lease under this section or section 346.0.20.3.

“346.0.20.5. The Minister must enter into a framework agreement with the Minister of Public Security to establish the procedures that Québec police forces will be called upon to follow in order to verify, for an agency or the operator of a private seniors' residence, compliance with the third paragraph of section 346.0.3 and paragraph 4 of section 346.0.11 and the security conditions prescribed by regulation.”

23. Section 346.0.21 of the Act is amended by adding the following paragraph at the end:

“For the purposes of section 346.0.20.1, the Government may specify, by regulation, the words that can only be used in the name of a resource offering lodging determined under the first paragraph.”

24. Section 438 of the Act is amended by inserting ““youth centre”,” after “containing the words”.

25. Section 489 of the Act is amended by striking out “or a certificate of compliance” in the first paragraph.

26. The Act is amended by inserting the following section after section 489.1:

“489.1.1. A person authorized in writing by the Minister or an agency to carry out an inspection under this Act may not be prosecuted for an omission or an act done in good faith in the performance of the duties of office.”

27. Section 505 of the Act is amended by inserting the following paragraph after paragraph 24:

“(24.1) prescribe the content of a form to be filled out following the death of a user that occurred in a facility operated by an institution or in a building or a dwelling where the services of an intermediate resource or a family-type resource are offered, or following the death of a resident of a private seniors’ residence and specify who is authorized to sign such a form and in what cases and circumstances and on what conditions the form must be forwarded to the coroner;”.

28. Section 531.1 of the Act is amended

(1) by replacing “without holding a certificate of compliance issued under this Act or who purports to hold such a certificate while not holding one” in the first paragraph by “without holding a certificate of compliance or a temporary certificate of compliance or who contravenes any of the provisions of section 346.0.20.1 or a regulation under that section”;

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

“Every person who contravenes the first paragraph is liable, for each day the offence continues, to a fine of \$300 to \$1,200 in the case of a natural person, or \$1,200 to \$4,800 in the case of a legal person. For a subsequent offence, the amounts are doubled.”

29. The Act is amended by adding the following sections after section 531.1:

“531.1.1. Every person who contravenes section 346.0.5.1 or a provision determined by a regulation made under paragraph 7 of section 346.0.6 commits an offence and is liable to a fine of \$300 to \$1,200 in the case of a natural person or \$600 to \$2,400 in the case of a legal person. For a subsequent offence, the amounts are doubled.

“531.1.2. An operator of a private seniors’ residence who fails to fulfill a condition prescribed by an agency under section 346.0.12 commits an offence and is liable, for each day the offence continues, to a fine of \$600 to \$2,400 in the case of a natural person, or \$2,400 to \$9,600 in the case of a legal person.

“531.1.3. An operator of a private seniors’ residence or a new lessor referred to in section 346.0.17.2 who contravenes section 346.0.17.1 commits an offence and is liable to a fine of \$600 to \$2,400 in the case of a natural person or \$2,400 to \$9,600 in the case of a legal person.”

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS
CONCERNING SPECIALIZED MEDICAL CENTRES AND MEDICAL
IMAGING LABORATORIES

30. Section 34 of the Act to amend various legislative provisions concerning specialized medical centres and medical imaging laboratories (2009, chapter 29) is amended by replacing “30 September 2009” in subparagraph 1 of the first paragraph by “31 March 2010”.

CONSEQUENTIAL PROVISIONS

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

31. Section 118.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing the second paragraph by the following paragraph:

“For the purposes of the first paragraph, “private seniors’ residence” has the meaning assigned to it by the second paragraph of section 346.0.1 of the Act respecting health services and social services (chapter S-4.2).”

BUILDING ACT

32. Section 29 of the Building Act (R.S.Q., chapter B-1.1) is amended by replacing the second paragraph by the following paragraphs:

“However, despite the first paragraph, this chapter does apply to a private seniors’ residence within the meaning of section 346.0.1 of the Act respecting health services and social services (chapter S-4.2).

This chapter also applies to electrical installations, installations intended to use gas, and petroleum equipment installations located in buildings excluded by subparagraphs 2 and 3 of the first paragraph.”

ACT RESPECTING ADMINISTRATIVE JUSTICE

33. Section 119 of the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by replacing “of an application for or the suspension, revocation or non-renewal of a certificate of compliance” in paragraph 5.2 by “to issue a certificate of compliance or a temporary certificate of compliance or to the revocation or, if applicable, the non-renewal of such a certificate.”

34. Section 3 of Schedule I to the Act is amended by inserting “or a temporary certificate of compliance” after “certificate of compliance” in paragraph 12.1.

ACT RESPECTING THE DETERMINATION OF THE CAUSES AND CIRCUMSTANCES OF DEATH

35. Section 34 of the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2) is amended by inserting “as a result of negligence or” after “occurred”.

36. Section 36 of the Act is amended by inserting “as a result of negligence or” after “occurred”.

37. Section 43 of the Act is amended by inserting “as a result of negligence or” after “occurred” in the first paragraph.

OTHER AMENDMENTS

38. “Residence for the elderly” is replaced wherever it appears by “private seniors’ residence”, with the necessary grammatical modifications, in the following provisions:

(1) section 120.0.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1);

(2) sections 134.1, 175, 178 and 631 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);

(3) section 58.5.1 of the Act respecting school elections (R.S.Q., chapter E-2.3);

(4) sections 135.1, 180, 305 and 551 of the Election Act (R.S.Q., chapter E-3.3);

(5) section 60, the provisions of subdivision 2.1 of Division II of Title I of Part III that are not amended by this Act, and sections 530.8 and 531.1 of the Act respecting health services and social services (R.S.Q., chapter S-4.2);

(6) section 2 of the Tobacco Act (R.S.Q., chapter T-0.01); and

(7) sections 1, 3, 17 and 26 and the title of the Regulation respecting the conditions for obtaining a certificate of compliance for a residence for the elderly (R.R.Q., chapter S-4.2, r. 5).

TRANSITIONAL AND FINAL PROVISIONS

39. In order to spread out the analysis of permit renewal applications under the second paragraph of section 37 of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (R.S.Q., chapter L-0.2), enacted by section 1, the Minister may, on the first renewal of such a permit after 30 November 2011 or, as the case may be, after the coming into force of a regulation made under that paragraph, renew the permit for

12 months or more but not for more than 24 months. To that end, the Minister may also extend the period of validity of such a permit in force on that date for a period of less than 12 months.

Until a regulation is made under the second paragraph of section 37 of that Act, a permit for a laboratory included in the specific diagnostic radiology laboratory class operating in the field of medicine, provided for in the Regulation respecting the application of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (R.R.Q., chapter L-0.2, r. 1), is considered to be subject to the second paragraph of that section 37.

Until the required amendments are made to the Regulation respecting the application of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies,

(1) the annual fees set out in the second paragraph of section 107 of that regulation for the issue or renewal of a laboratory permit are adjusted in proportion to the number of months for which a permit referred to in the first paragraph is renewed or extended; and

(2) despite section 106 of that regulation, any application for the renewal of such a permit must be filed three months before the permit expires.

40. A legal person or any other body that, on 12 May 2011, is carrying on its activities under a name containing the words “youth centre” may continue to exercise its activities under that name until it changes the name. From that date, the legal person or body is subject to section 87.1 of the Act respecting health services and social services (R.S.Q., chapter S-4.2), enacted by section 4, and section 438 of that Act, as amended by section 24.

41. In order to spread out the analysis of certificate of compliance renewal applications under the Act respecting health services and social services, the period of validity of any certificate of compliance that expires in 2011 and whose registration number in the register of private seniors’ residence is an uneven number is increased to four years the first time the certificate is renewed following the expiry date. The period of validity of any certificate first issued in 2012 is also increased to four years regardless of its registration number.

The period of validity of a certificate referred to in the first paragraph is three years for any subsequent renewal.

42. The operator of a private seniors’ residence who, on (*insert the date of coming into force of this section*), does not hold a certificate of compliance must file an application for a temporary certificate of compliance with the agency of its region not later than (*insert the date that is one month after the coming into force of this section*) and obtain such a certificate from that agency within three months after filing the application. If the operator fails to obtain a temporary certificate, section 346.0.12 of the Act respecting health services

and social services (R.S.Q., chapter S-4.2) applies, with the necessary modifications.

The same applies to the operator of a drug addiction and pathological gambling resource offering lodging, referred to in the Regulation respecting the certification of drug addiction or pathological gambling resources, enacted by Order in Council 569-2010 (2010, G.O. 2, 1944), except a resource referred to in section 15 or 16 of chapter 46 of the statutes of 2009, in which case those sections remain applicable to the operator. However, an operator of a resource referred to in either of those sections must obtain a certificate in accordance with the Act respecting health services and social services not later than 1 July 2012, failing which section 346.0.12 of that Act applies, with the necessary modifications.

43. Despite section 42, an operator of a private seniors' residence who, having begun the certification process before 30 November 2011, does not hold a certificate of compliance on that date must obtain such a certificate not later than one year after that date; if the operator fails to obtain the certificate within that time, section 346.0.12 of the Act respecting health services and social services, enacted by section 13, applies, with the necessary modifications.

44. Until the coming into force of section 346.0.12 of the Act respecting health services and social services, enacted by section 13, when an agency revokes or refuses to issue or renew a certificate of compliance, it may prescribe the conditions that the operator of the private seniors' residence concerned must comply with until the cessation of the activities of the residence. In such a case, the agency must prescribe the maximum period for terminating the activities of the residence.

Those conditions may include

(1) despite any inconsistent provision, the obligation to allow any person designated by the agency to enter the residence, including the rooms or apartments, at any time;

(2) the obligation to inform the agency in advance of the relocation of any resident, providing the resident's name, the name of the person acting on the resident's behalf, if any, and the address of the resident's new residence;

(3) any other measure prescribed to ensure the welfare of every resident during that period.

The certificate ceases to have effect at the end of the period provided for in the first paragraph.

The costs, fees and expenses incurred by the agency to implement those conditions may be claimed from the operator of the private seniors' residence.

45. Until the coming into force of paragraph 1 of section 7, a congregate residential facility where rooms or apartments intended for elderly persons are offered for rent and where security, housekeeping assistance and social activity assistance services are limited to either recreation services, meal services or security services is not considered a private seniors' residence within the meaning of section 346.0.1 of the Act respecting health services and social services, as it reads on 30 November 2011.

46. Until the coming into force of the regulation referred to in subparagraph 7 of the first paragraph of section 346.0.6, enacted by section 9, the operator of a private seniors' residence who contravenes any provision of the Regulation respecting the conditions for obtaining a certificate of compliance for a residence for the elderly (R.R.Q., chapter S-4.2, r. 5) commits an offence and is liable to a fine of \$300 to \$1,200. For a subsequent offence, the amounts are doubled.

47. With the exception of sections 1 to 6 and 18, sections 346.0.20.1 to 346.0.20.4, enacted by section 22, except with respect to temporary certificates of compliance, sections 24, 26, 30 to 32, 35 to 41 and 43 to 46, and section 531.1.3, enacted by section 29, which come into force on 30 November 2011, the provisions of this Act come into force on 30 November 2012, unless the Government sets an earlier date or dates for their coming into force.

