

Salient changes brought about by *An Act to amend certain provisions regarding the clinical organization and management of health and social services institutions* (“Bill 130”)

**February 14th, 2017
Jewish General Hospital**

Presented by :

Yves A. Dubois, Partner, Health Law
Patrick Trent, Lawyer, Labour Law



1. Stages in the Consideration of Bill 130

- 1. Introduction: Dr. Gaétan Barrette, Minister of health and social services introduced Bill 130 on December 9, 2016;**
- 2. Referral for consultation: The Committee on Health and Social Services held and is holding special consultations and public hearings on Bill 130 between February 7th and February 15th;**

1. Stages in the Consideration of Bill 130

3. **Passage in principle:** At this stage, MNAs will debate the spirit and principle of the Bill before the Assembly.
4. **Committee stage:** The bill is studied in a parliamentary committee which will examine each of the Bill's clauses.
5. **Report stage:** The Assembly votes on the committee's report.
6. **Passage:** This is the final stage before a bill is given assent.

A bill may be amended in stages 4, 5 and 6; its sponsor or another MNA may propose amendments to the Bill. However, in the final stage (passage), only the sponsor can propose amendments.

After a bill is passed, it is given assent and becomes a law. The law may take effect the same day it is assented to or on another date mentioned in the Bill or to be set by the Government.

3

BLG
Borden Ladner Gervais

2. Emphasis on Access to Services

- The Board will have the obligation to ensure accessibility to the institution's services.
- The watchdog committee shall be required to ensure that the Board fulfills its service quality responsibilities effectively, especially those regarding accessibility to the institution's services.
- Heads of clinical departments must draw up for their department, rules governing the use of medical, dental and material resources used by physicians and dentists that take into account such factors as the need to promote access to the institution's services.
- Where the head of a clinical department refuses to draw up rules governing the use of resources or is slow to act, the DPS or, failing that, the President and Executive Director ("PDG") must draw up such rules.

4

BLG
Borden Ladner Gervais

3. The Organization Plan of the Institution

- Every institution must prepare an administrative, professional and scientific organization plan.
- The organization plan indicates which department or service is responsible for the medical, pharmaceutical or dental acts of a clinical program.
- The organization plan was previously to be adopted upon recommendation of the CPDP. The Bill provides that the CPDP shall only be consulted in the future.
- The institution will have the obligation to amend its organization plan as prescribed by the Bill and send it, no later than six months after the date of coming into force of the Bill, to the Minister for approval, which may be granted with or without modifications.

5

BLG
Borden Ladner Gervais

3. The Organization Plan of the Institution

The organization plan shall provide for the following 11 departments:

- (1) Anesthesia;
- (2) Medical biology (this department shall group together the hematology, biochemistry, pathology, microbiology and genetics services);
- (3) Surgery;
- (4) Gynecology – obstetrics;
- (5) Medical imaging (this department shall group together radiology and nuclear medicine services);
- (6) General medicine;
- (7) Specialized medicine (this department shall include radiation oncology services);
- (8) Emergency medicine;
- (9) Pediatrics;
- (10) Pharmacy; and
- (11) Psychiatry.

6

BLG
Borden Ladner Gervais

3. The Organization Plan of the Institution

- The Minister determines which public institutions must include a department of public health in their organization plan.
- The Minister shall have the power to authorize an institution to derogate from this structure notably to add or subtract a department.

7



Borden Ladner Gervais

4. Appointment of physicians or dentists

- A physician or dentist wishing to practice at a centre shall have to submit an application for appointment or renewal of appointment to the PDG.
- The Bill removes the present provision deeming an application for renewal of appointment to be made on the same terms as the last application. Therefore a full application must be submitted for a renewal of appointment.
- Before referring an application for appointment or renewal to the Board, the PDG must obtain from the CPDP a recommendation concerning the qualifications and competence of the physician, and the status and privileges that should be granted to the physician.

8



Borden Ladner Gervais

4. Appointment of physicians or dentists

- The CPDP and the DPS must also be consulted on the obligations that must be attached to the enjoyment of the privileges.
- Such obligations will be required to be attached to the enjoyment of privileges.

9



BLG
Borden Ladner Gervais

4. Appointment of physicians or dentists

The CPDP is responsible to the Board for making recommendations on the obligations which must be attached to the enjoyment of the privileges granted, in relation to the specific requirements of the centre, particularly those concerning:

- a) the participation of a physician or dentist in the clinical activities of the centre, including being on-call;
- b) the participation of a physician or dentist in teaching and research activities, where the case arises;
- c) the participation of a physician or dentist in professional, scientific, medical or administrative committees; and
- d) the participation of a physician or dentist in medical activities.

10



BLG
Borden Ladner Gervais

4. Appointment of physicians or dentists

- In the case of an application for renewal and before referring the application to the Board, the PDG must also obtain an opinion from the DSP concerning the physician's or dentist's compliance with the terms set out in the resolution that appointed him.

11

BLG
Borden Ladner Gervais

4. Appointment of physicians or dentists

- The institution must determine the obligations attached to the enjoyment of privileges no later than three (3) months following the date of the coming into force of the Bill.

12

BLG
Borden Ladner Gervais

4. Appointment of physicians or dentists

The resolution of the Board accepting a physician's or dentist's application for appointment or renewal of appointment will be absolutely null if it does not set out:

- the status;
- the privileges;
- the period for which they are granted;
- the nature and range of the medical or dental activities that a physician or dentist will be allowed to engage in at the centre;
- the obligations attached to the enjoyment of the privileges and the physician's or dentist's undertaking to fulfil them;
- the clinical department or service the privileges granted may be exercised; and
- the breakdown of the clinical, research and teaching tasks assigned to that physician or dentist.

13

BLG
Borden Ladner Gervais

4. Appointment of physicians or dentists

- Privileges shall be granted initially for a maximum period of one (1) year. They will be renewed for a minimum period of one (1) year and a maximum period of three (3) years.
- The Board must, before granting a physician's or dentist's application for privileges, obtain the approval of the Minister; the Minister approves the application if it is in conformity with the medical and dental staffing plan of the institution.
- However, the Minister may, when giving such approval, require that certain obligations be added to the privileges. These obligations must be intended to meet primary care family medicine needs.

14

BLG
Borden Ladner Gervais

4. Appointment of physicians or dentists

- The resolution of the Board of a CISSS must specify, in addition, the facilities of the institution with regard to which privileges are granted.
- The resolution must also provide that, in the event that urgent or semi-urgent problems arise with regard to access to services at another facility of the institution, a physician, dentist or pharmacist must, at the request of the DPS, the chair of the CPDP, the head of a clinical department or, if these persons are absent or unable to act, the PDG, provide temporary support at the facility indicated to him or her, collectively with the other members of his or her service or department.

15



BLG
Borden Ladner Gervais

5. Governance and Management

The Assistant President and Executive Director (“PDGA”)

- The PDGA will now be appointed by the Government, on the recommendation of the Minister from a list of names provided by the members of the Board as opposed to an appointment by the Board as previously.
- In case of a vacancy in the office of the PDG, the PDGA acts as Interim PDG until the Government appoints a new PDG.
- The Government shall determine the remuneration, employee benefits and other conditions of employment of the PDGA.

16



BLG
Borden Ladner Gervais

5. Governance and Management

Authorization of Regulations and By-Laws by the Minister

- Any draft regulation to be adopted by the Board will have to be authorized by the Minister. Such authorization may be conditional upon certain amendments being made to the draft regulation.
- An authorization by the Minister, which may be granted with or without modification, will be required for any draft regulation concerning the internal management, the creation and operation of committees of the CPDP, the Council of Nurses, and the Multidisciplinary Council amongst others.
- Every institution must no later than three months after the coming into force of the Bill, send all regulations already enacted to the Minister for approval, which may be granted, with or without modification.

17

BLG
Borden Ladner Gervais

Thank you!

Questions?

18

BLG
Borden Ladner Gervais