

General provisions of residential and long-term care centre and explications about human resources in users' committee and in-patients' committee

This document is extracted from the Act respecting health services and social servicesCe document, Gouvernement du Québec.

R.S.Q., chapter S-4.2

PART II PROVISION OF HEALTH SERVICES AND SOCIAL SERVICES

TITLE I INSTITUTIONS

CHAPTER I GENERAL PROVISIONS

83. The mission of a residential and long-term care centre is to offer, on a temporary or permanent basis, an alternative environment, lodging, assistance, support and supervision services as well as rehabilitation, psychosocial and nursing care and pharmaceutical and medical services to adults who, by reason of loss of functional or psychosocial autonomy can no longer live in their natural environment, despite the support of their families and friends.

Assessment of needs.

To that end, every institution which operates such a centre shall receive, on referral, the persons who require such services, ensure that their needs are periodically assessed and that the required services are offered within its facilities.

Day care.

The mission of such a centre may include the operation of a day centre or day hospital.

1991, c. 42, s. 83.

DIVISION III HUMAN RESOURCES

6. — Users' committee

Users' committee.

209. A users' committee is established for each institution, and each institution must, in the case of a public institution or of a private institution which is a party to an agreement allocate to it under section 475, allocate to it the special budget provided for that purpose in its operating budget or, in the case of a private institution which is not a party to an agreement, allocate to it the amount paid for that purpose by the Minister.

Facilities in more than one region.

However, an institution operating a residential and long-term care centre that has facilities in more than one region of Québec may choose to set up one users' committee for each region or a single users' committee for two or more regions, the committee members being elected by the users of the region or regions concerned.

In-patients' committee.

If the institution operates a centre offering in-patient services, it must set up an in-patients' committee in each of the centre's facilities.

Composition.

The users' committee is composed of at least five members elected by the users of the institution and of a representative designated by and from among the in-patients' committees set up under the second paragraph.

Election.

The majority of the members must be users. However, if it is not possible to have a majority of users on the committee, the users may elect another person of their choice, provided that the person does not work for the institution or practise a profession in a centre operated by the institution.

Composition.

An in-patients' committee is composed of at least three members elected by the in-patients of the facility in conformity with the conditions set out in the fourth paragraph.

1991, c. 42, s. 209; 1992, c. 21, s. 24; 1992, c. 21, s. 70; 1998, c. 39, s. 73; 2005, c. 32, s. 100; 2009, c. 45, s. 29; 2011, c. 15, s. 43.

Exception.

209.0.1. Despite the third paragraph of section 209, an institution may choose not to set up an in-patients' committee for a facility that provides lodging to fewer than 10 users or that expects to provide lodging to most of its users for a period of less than six months.

Regrouping of facilities.

In such a case, after consulting its users' committee, the institution must either entrust the exercise of the functions set out in section 212.1 to the users' committee, or group the facility together with one or more other facilities maintained by the institution in order to establish a single in-patients' committee for all those facilities.

Application.

Sections 209 to 212.1 then apply, with the necessary modifications.

Annual assessment.

Each year, the institution must assess the effectiveness of the measure chosen under the second paragraph and, if need be, modify it in accordance with this section.

2009, c. 45, s. 30.

Term of office.

209.1. The term of office of the members of the users' committee and the members of an in-patients' committee may not exceed three years.

2005, c. 32, s. 101.

Exclusion.

210. No person under curatorship may be a member of a users' committee or an in-patients' committee.

1991, c. 42, s. 210; 2005, c. 32, s. 102.

Duties of executive director.

211. The executive director of the institution must foster the proper functioning of the users' committee and of any in-patients' committee and inform, in writing, every user of the existence of the committees.

Facilities and records.

He must make a room available for the committees' activities and make it possible for their records to be kept confidential.

1991, c. 42, s. 211; 2005, c. 32, s. 103.

CHAPTER III ORGANIZATION OF INSTITUTIONS

DIVISION III HUMAN RESOURCES

Functions.

212. The functions of the users' committee are

- (1) to inform users of their rights and obligations;
- (2) to foster the improvement of the quality of the living conditions of users and assess the degree of satisfaction of users with regard to the services obtained from the institution;
- (3) to defend the common rights and interests of users or, at the request of a user, his rights and interests as a user before the institution or any competent authority;
- (4) to accompany and assist a user, on request, in any action he undertakes, including the filing of a complaint in accordance with Divisions I, II and III of Chapter III of Title II of

this Act or the Act respecting the Health and Social Services Ombudsman (chapter P-31.1);

(5) to ensure the proper operation of each of the in-patients' committees, if applicable, and see that they have the resources necessary to exercise their functions;

(6) to assess the effectiveness of any measure implemented under section 209.0.1.

Rules and report.

In addition, the users' committee must adopt operating rules, submit an annual report of its activities to the board of directors and, on request, transmit a copy of that report to the agency.

1991, c. 42, s. 212; 1998, c. 39, s. 74; 2001, c. 43, s. 47; 2005, c. 32, s. 104; 2009, c. 45, s. 31.

212.1. An in-patients' committee must exercise the functions set out in subparagraphs 1 to 3 of the first paragraph of section 212 for the users residing in the facility, and report to the users' committee.

2005, c. 32, s. 105.